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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 1

Wednesday, November 6, 2002

ORDER OF THE DAY:

Election of a Chair and Vice-Chairs





MINUTES OF PROCEEDINGS

Meeting No. 1

Wednesday, November 6, 2002

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 209, West Block, for the purpose of electing a Chair, pursuant to standing Order 106(1).

Members of the Committee present: Carole-Marie Allard, Garry Breitkreuz, Chuck Cadman, The Hon. Hedy Fry, Ivan Grose, Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Lynn Myers, The Hon. Andy Scott, Kevin Sorenson.

Acting Members present: The Hon. Gilbert Normand for Irwin Cotler, Peter Goldring for Vic Toews, Stéphane Bergeron for Pierrette Venne and Peter Stoffer for Bill Blaikie.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Pursuant to Standing Order 106: Election of a Chair and Vice-Chairs

The Clerk presided over the election of the Chair.

Derek Lee moved, - That Andy Scott be elected as Chair of the Committee.

The question being put on the motion, it was agreed to.

The Clerk presided over the election of the Vice-Chairs.

Kevin Sorenson moved, - That Chuck Cadman be elected as Opposition Vice-Chair of the Committee.

The question being put on the motion, it was agreed to.

Hedy Fry moved, - That John McKay be elected as Government Vice-Chair of the Committee.

Derek Lee moved, - That Ivan Gross be elected as Government Vice-Chair of the Committee.

Pursuant to Standing Order 106 (3), the election was conducted by secret ballot.

The ballots having been counted, John McKay was elected Government Vice-Chair.

Andy Scott took the Chair.

Routine motions

On motion of Derek Lee, it was agreed, -- That the Clerk of the Committee be authorized to distribute to the members of the Committee documents only when they exist in both official languages

On motion of Derek Lee, it was agreed, -- That the Clerk of the Committee be authorized to make the necessary arrangements to provide for working meals for the Committee.

On motion of Derek Lee, it was agreed, -- That, unless otherwise ordered, each Committee member be allowed to have one staff person present at *in camera* meetings.

On motion of John McKay, it was agreed, -- That one copy of the transcript of all *in camera* meetings be kept in the Committee Clerk's office for consultation by members of the Committee.

On motion of Paul Macklin, it was agreed, -- That, except for amendments to bills, forty-eight (48) hours' notice be given before any substantive motion is considered by the Committee; and

"That the motion be filed with the Clerk of the Committee and circulated to members in both official languages."

On motion of Derek Lee, it was agreed, -- That the Chair be authorized to hold meetings to receive and publish evidence when a quorum is not present provided that at least three (3) members are present, including a member of the opposition.

On motion of Derek Lee, it was agreed, -- That the Committee retain the services of one or more researchers from the Library of Parliament, as needed, to assist the Committee in its work, at the discretion of the Chair.

On motion of Derek Lee, it was agreed, -- That the Chair, the two Vice-Chairs, the Parliamentary Secretaries to the Solicitor General and the Minister of Justice and a representative of the Canadian Alliance, the Bloc Québécois, the New Democratic Party and the Progressive Conservative Party, do compose the Sub-Committee on Agenda and Procedure.

On motion of John Maloney, it was agreed, -- That witnesses be given ten (10) minutes for their opening statement; that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party; and that thereafter three (3) minutes be allocated to each subsequent questioner alternating between Government and Opposition parties.

On motion of Derek Lee, it was agreed, -- That, when a Private Members' Business Bill is referred to the Committee, it be placed on the Agenda and that its sponsor be invited to appear before the Committee.

On motion of Derek Lee, it was agreed, -- "That pursuant to Standing Order 108(1)(a) and (b) a Subcommittee on National Security, composed of 11 members, (6 members from the Liberal Party, two members from the Canadian Alliance; one member from the Bloc Québécois; one member from the New Democratic Party and one Member from the Progressive Conservative Party) be established with all the powers of the Committee except the power to report to the House; and pursuant to Standing Order 108(2) the mandate of the said Subcommittee shall include review and consideration of the budgets and the propriety and efficacy of the functions performed and the powers exercised by the Canadian Security Intelligence Service (CSIS), the RCMP National Security Investigations Section, and their relationships with all departments and agencies with which they have a memorandum of understanding or other working arrangements, the Annual Report to Parliament of the Security Intelligence Review Committee, all Special Reports made by SIRC under section 54 of the CSIS Act, the operations of the SIRC on behalf of Parliament, the Annual Statement on National Security made by the Solicitor General, the Annual Public Report made by the Director of CSIS and the review of the

annual report of the Commissioner of the Communications Security Establishment”.

The Committee commenced consideration of matters related to committee business.

At 4:00 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 2

Monday, November 18, 2002

IN CAMERA



Français

MINUTES OF PROCEEDINGS

Meeting No. 2

Monday, November 18, 2002

The Standing Committee on Justice and Human Rights met *in camera* at 3:35 p.m. this day, in Room 371, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Peter MacKay, Paul Harold Macklin, Richard Marceau, John McKay, Lynn Myers, The Hon. Andy Scott, Vic Toews.

Acting Member present: Svend Robinson for Bill Blaikie:

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

The Committee resumed consideration of matters related to Committee business.

At 4:45 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 3

Wednesday, November 20, 2002

ORDER OF THE DAY:

Consideration of Bill C-231, An Act to amend the Divorce Act (limits on rights of child access by sex offenders)

WITNESSES:

Department of Justice Canada:

Marilyn Bongard, Acting Senior Counsel, Family, Children and Youth Section, Policy Sector.

House of Commons:

Bob Mills, CA, Member from *Red Deer*.



MINUTES OF PROCEEDINGS

Meeting No. 3

Wednesday, November 20, 2002

The Standing Committee on Justice and Human Rights met at 3:44 p.m. this day, in Room 536, Wellington Building, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Garry Breitkreuz, Chuck Cadman, The Hon. Hedy Fry, Ivan Grose, Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Mario Laframboise for Richard Marceau, Mac Harb for Lynn Myers, Carmen Provenzano for Irwin Cotler.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the House of Commons: Bob Mills, Red Deer. *From the Department of Justice:* Marilyn Bongard, Acting Senior Counsel, Family, Children and Youth Section, Policy Sector.

Pursuant to its Order of Reference of Monday, October 21, 2002, consideration of Bill C-231, An Act to amend the Divorce Act (limits on rights of child access by sex offenders)

Bob Mills made a statement and answered questions.

After debate, it was agreed that the Committee postpone clause-by-clause consideration of Bill C-231 until the beginning of 2003.

Kevin Sorenson moved - That the Committee on Justice and Human Rights request the appearance of the Solicitor General, the Commissioner of Correctional Services Canada, the Correctional Investigator and the National Parole Board to provide a status report on what, if any, recommendations of the May 2000, Sub-Committee on Corrections and Conditional Release Act of the Standing Committee on Justice and Human Rights have been implemented and to defend inaction on those recommendations yet to be implemented.

After debate, it was agreed - That the motion be amended by deleting the words "Solicitor General" and by adding, in English only, before the words "National Parole Board", the word "Chairperson."

The question being put on the amended motion, it was agreed to.

Kevin Sorenson moved -- That the Committee on Justice and Human Rights undertake a review of the New Brunswick Commission of Inquiry, established by Order-In-Council 92-1022, regarding allegations of institutional misconduct at the New Brunswick Training School (Kingsclear) and report to Parliament.

Debate arose thereon.

The question was put on the motion and it was negatived on the following recorded division:

Nays

Carole-Marie Allard
Chuck Cadman
Hedy Fry
Ivan Grose
Mac Harb
Mario Laframboise
Derek Lee
Paul Harold Macklin
Peter MacKay
John Maloney
John McKay
Carmen Provenzano
(12)

Yeas

Garry Breitkreuz
Kevin Sorenson
Vic Toews
(3)

At 5:03 p.m., the sitting was suspended

At 5:05 p.m., the Committee proceeded to sit *in camera*.

After debate, it was agreed – That the Committee study the issue of conditional sentencing.

After debate, it was agreed – That the Committee undertake a study on marriage and the legal recognition of same-sex unions.

After debate, it was agreed – That the Minister of Justice be invited to appear before the Committee before Christmas on the issue of marriage and the legal recognition of same-sex unions; and that the Committee begin its hearings after Christmas.

After debate, it was agreed – That the Committee consider Bill C-250 after Christmas.

At 5:10 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 4

Monday, November 25, 2002

ORDER OF THE DAY:

Study of the issue of conditional sentencing

WITNESS:

Department of Justice Canada:

David Daubney, General Counsel, Sentencing Reform Team.



Français

MINUTES OF PROCEEDINGS

Meeting No. 4

Monday, November 25, 2002

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Chuck Cadman, Ivan Grose, Derek Lee, Paul Harold Macklin, Richard Marceau, John McKay, The Hon. Andy Scott, Kevin Sorenson.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witness: From the Department of Justice: David Daubney, General Counsel, Sentencing Reform Team.

Pursuant to Standing Order 108(2), consideration of the issue of conditional sentencing.

David Daubney made a statement and answered questions.

At 5:06 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 5

Wednesday, November 27, 2002

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESS:

Department of Justice Canada:

Lisa Hitch, Senior Counsel, Policy Sector, Family, Children and Youth Section.



Français

MINUTES OF PROCEEDINGS

Meeting No. 5

Wednesday, November 27, 2002

The Standing Committee on Justice and Human Rights met at 3:38 p.m. this day, in Room 253-D, Centre Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, The Hon. Hedy Fry, Ivan Grose, Derek Lee, Paul Harold Macklin, Richard Marceau, John McKay, Lynn Myers, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Massimo Pacetti for Paul Harold Macklin, Réal Ménard for Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Department of Justice: Lisa Hitch, Senior Counsel, Policy Sector, Family, Children and Youth Section.

Pursuant to Standing Order 108(2), a study on marriage and the legal recognition of same-sex unions.

Lisa Hitch made a statement and answered questions.

At 4:51 p.m., the sitting was suspended.

At 4:52 p.m., the sitting resumed *in camera*.

It was agreed - That the Clerk prepare a draft budget for the committee's study on same-sex unions.

At 5:24 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 6

Monday, December 2, 2002

IN CAMERA



MINUTES OF PROCEEDINGS

Meeting No. 6

Monday, December 2, 2002

The Standing Committee on Justice and Human Rights met *in camera* at 3:36 p.m. this day, in Room 371, West Block, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Lynn Myers, Kevin Sorenson, Vic Toews.

Acting Member present: Paul Szabo for Hedy Fry.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Pursuant to Standing Order 108(2), a study on marriage and the legal recognition of same-sex unions.

The Committee considered a draft budget.

After debate, it was agreed, -- That the proposed operational budget of the Committee in the amount of \$62,500.00 be adopted and that the Chair present the said budget to the budget Sub-committee of the Liaison Committee

After debate, it was agreed, -- That the proposed travel budget for the Committee's study on marriage and the legal recognition of same-sex unions be adopted and that the Chair present the said budget to the Budget Sub-committee of the Liaison Committee.

At 5:57 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 7

Tuesday, December 3, 2002

ORDER OF THE DAY:

Consideration of Supplementary Estimates (A) 2002-2003: Votes 1a, 10a, 25a, 35a and 40a under SOLICITOR GENERAL, referred to the Committee on October 31, 2002

WITNESSES:

Canadian Security Intelligence Service:

Ward P. Elcock, Director.

Correctional Service Canada:

Louise Saint-Laurent, Assistant Commissioner.

National Parole Board:

Hélène Chevalier, Executive Director.

Office of the Solicitor General of Canada:

Chantal Bernier, Assistant Deputy Solicitor General, Strategic Policy and Programs Branch;

Patricia Hassard, Assistant Deputy Solicitor General, Police and Law Enforcement;

Eva Plunkett, Assistant Deputy Solicitor General, Corporate Management.

Royal Canadian Mounted Police:

Paul Gauvin, Deputy Commissioner, Corporate Management and Comptrollership.



MINUTES OF PROCEEDINGS

Meeting No. 7

Tuesday, December 3, 2002

The Standing Committee on Justice and Human Rights met at 9:03 a.m. this day, in Room 701, La Promenade building, the acting Chair, John McKay, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Ivan Grose, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Lynn Myers, Kevin Sorenson, Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Canadian Security Intelligence Service: Ward P. Elcock, Director. *From Correctional Service Canada:* Louise Saint-Laurent, Assistant Commissioner, Corporate Services. *From the Department of the Solicitor General:* Eva Plunkett, Assistant Deputy Solicitor General, Corporate Management; Patricia J. Hassard, Acting Assistant Deputy Solicitor General, Policing and Law Enforcement; Michel D'Avignon, Director General, National Security Directorate; Chantal Bernier, Assistant Deputy Solicitor General, Strategic Policy and Programs Branch. *From the National Parole Board:* Helen Chevalier, Executive Director. *From the Royal Canadian Mounted Police:* Paul Gauvin, Deputy Commissioner, Corporate Management and Comptrollership.

Pursuant to Standing Order 81(5), the Committee commenced consideration of Supplementary Estimates (A) 2002-2003: Votes 1a, 10a, 25a, 35a and 40a under SOLICITOR GENERAL, referred to the Committee on October 31, 2002.

Ward P. Elcock and Louise St-Laurent made a statement and, with the other witnesses, answered questions.

At 10:55 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 8

Wednesday, December 4, 2002

ORDER OF THE DAY:

Study of the issue of conditional sentencing

WITNESSES:

"Association des services de réhabilitation sociale du Québec inc.":

Donald Beaudoin, Criminologist;

François Bérard, Criminologist.



Français

MINUTES OF PROCEEDINGS

Meeting No. 8

Wednesday, December 4, 2002

The Standing Committee on Justice and Human Rights met at 3:36 p.m. this day, in Room 705, La Promenade Building, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Ivan Grose, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Association des services de réhabilitation sociale du Québec inc.: François Bérard, Criminologist; Donald Beaudoin, Criminologist.

Pursuant to Standing Order 108(2), the Committee resumed consideration of the issue of conditional sentencing.

The witnesses each made a statement and answered questions.

At 4:33 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 9

Monday, December 9, 2002

ORDER OF THE DAY:

Study of the issue of conditional sentencing

WITNESSES:

Canadian Association of Elizabeth Fry Societies:

Kim Pate, Executive Director.

University of Ottawa:

Dr. Julian Roberts, Department of Criminology.



MINUTES OF PROCEEDINGS

Meeting No. 9

Monday, December 9, 2002

The Standing Committee on Justice and Human Rights met at 3:36 p.m. this day, in Room 209, West Block, the Vice-Chair, John McKay, presiding.

Members of the Committee present : Chuck Cadman, Ivan Grose, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Robin MacKay, analyst.

Witnesses: From the University of Ottawa: Dr. Julian Roberts, Department of Criminology. *From the Canadian Association Of Elizabeth Fry Societies*: Kim Pate, Executive Director.

Pursuant to Standing Order 108(2), the Committee resumed consideration of the issue of conditional sentencing.

The witnesses made a statement and answered questions.

At 4:52 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 10

Wednesday, December 11, 2002

ORDER OF THE DAY:

Study of the issue of conditional sentencing

WITNESSES:

"Barreau du Québec":

Carole Brosseau, Lawyer, Research and Legislation.

Canadian Criminal Justice Association:

Elizabeth White, President;

Matthew Yeager, Member, Policy Review Committee.

Canadian Resource Centre for Victims of Crime:

Steve Sullivan, President.

As Individual:

Michelle Meredith Wreggitt.



Français

MINUTES OF PROCEEDINGS

Meeting No. 10

Wednesday, December 11, 2002

The Standing Committee on Justice and Human Rights met at 3:37 p.m. this day, in Room 701, La Promenade Building, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Robin MacKay, analyst.

Witnesses: From the Canadian Resource Centre for Victims of Crime: Steve Sullivan, President. *From the Barreau du Québec:* Me Carole Brosseau, Lawyer, Research & Legislation. *From the Canadian Criminal Justice Association:* Elizabeth White, President; Matthew Yeager, Member, Policy Review Committee. *As an Individual:* Michelle Meredith Wreggit.

Pursuant to Standing Order 108(2), the Committee resumed consideration of the issue of conditional sentencing.

The witnesses made a statement and answered questions.

At 5:05 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 11

Tuesday, January 28, 2003

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESSES:

Statistics Canada:

Doug Norris, Director General, Census and Demographic Statistics;

Pierre Turcotte, Chief, Families, Households and Housing.





MINUTES OF PROCEEDINGS

Meeting No. 11

Tuesday, January 28, 2003

The Standing Committee on Justice and Human Rights met at 9:04 a.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, The Hon. Hedy Fry, Derek Lee, Peter MacKay, John Maloney, Richard Marceau, John McKay, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Marlene Jennings for Irwin Cotler, Larry McCormick for Paul Harold Macklin, Réal Ménard for Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, principal analyst, Kristen Douglas, analyst.

Witnesses: From Statistics Canada: Doug Norris, Director General, Census and Demographic Statistics; Pierre Turcotte, Chief, Families, Households and Housing.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 10:18 a.m., the sitting was suspended.

At 10:25 a.m., the Committee proceeded to sit *in camera*.

The Committee considered matters related to its future business.

At 10:57 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 12

Thursday, January 30, 2003

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESS:

Law Commission of Canada:

Nathalie Des Rosiers, President.



Français

MINUTES OF PROCEEDINGS

Meeting No. 12

Thursday, January 30, 2003

The Standing Committee on Justice and Human Rights met at 9:05 a.m. this day, (in a video recording session) in Room 269, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, The Hon. Hedy Fry, Derek Lee, Richard Marceau, John McKay, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Paul Steckle for Paul Harold Macklin, Réal Ménard for Pierrette Venne, Svend Robinson for Bill Blaikie.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Law Commission of Canada: Nathalie Des Rosiers, President; Lorraine Pelot, Senior Research Officer.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 13

Tuesday, February 4, 2003

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESSES:

“Égale Canada”:

Laurie Arron, Chair, *Equal Marriage Committee*;

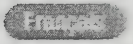
John Fisher, Director of Advocacy.

Ontario Human Rights Commission:

Keith Norton, Chief Commissioner.

As Individual:

Michel Morin.



MINUTES OF PROCEEDINGS

Meeting No. 13

Tuesday, February 4, 2003

The Standing Committee on Justice and Human Rights met at 9:05 a.m. this day, (in a video recording session) in Room 371, West Block, the acting Chair, John McKay, presiding.

Members of the Committee present: The Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, Richard Marceau, John McKay, The Hon. Andy Scott, Kevin Sorenson.

Acting Members present: Réal Ménard for Pierrette Venne, Svend Robinson for Bill Blaikie.

Other Member: Monte Solberg.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Ontario Human Rights Commission: Keith Norton, Chief Commissioner. *From EGALE Canada (Equality for Gays and Lesbians Everywhere):* John Fisher, Executive Director; Laurie Arron, Board Member. *As Individual:* Prof. Michel Morin, Faculty of Law, Ottawa University.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 10:50 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 14

Thursday, February 6, 2003

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESSES:

Association of Christian Families:

Richard Hudon.

Lesbian Mothers Association of Quebec:

Monica Perazzo, Coordinator;

Gabriel Pinkstone, Coordinator.

"Table de concertation des lesbiennes et des gais du Québec":

Marie-France Bureau, Lawyer, Member of the Board;

Jacques Papy, Lawyer, Member of the Board.



MINUTES OF PROCEEDINGS

Meeting No. 14

Thursday, February 6, 2003

The Standing Committee on Justice and Human Rights met at 9:07 a.m. this day, in Room 371, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Member present: Svend Robinson for The Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From "Table de concertation des lesbiennes et des gais du Québec": Me Marie-France Bureau, Member of the Board; Me Jacques Papy, Member of the Board. *From Association of Christian Families:* Richard Hudon. *From Lesbian Mothers Association of Quebec:* Monica Perazzo, Coordinator; Gabriel Pinkstone, Coordinator.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 11:03 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 15

Tuesday, February 11, 2003

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESSES:

Foundation for Equal Families:

David Corbett, Member of the Board;

Michelle Douglas, President.

St. Ignatius Martyr Council:

Rita Curley, Christian Family Life Convenor.

As Individuals:

Michael Hendricks;

René LeBoeuf;

Pierre Pariseau.



MINUTES OF PROCEEDINGS

Meeting No. 15

Tuesday, February 11, 2003

The Standing Committee on Justice and Human Rights met at 9:06 a.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, The Hon. Andy Scott, Kevin Sorenson.

Acting Members present: Réal Ménard for Robert Lanctôt, Svend Robinson for The Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst

Witnesses: From St-Ignatius Martyr Council: Rita Curley; Christian Family Life Convenor, Sister Louisa Oeser. *As Individual:* Pierre Pariseau. *From the Foundation for Equal Families:* Michelle Douglas, President; David L. Corbett, Member of the Board. *As Individual:* Michael Hendricks; René LeBoeuf.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 10:47 a.m., the sitting was suspended.

At 10:53 a.m., the sitting resumed, *in camera*.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 16

Wednesday, February 12, 2003

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESSES:

"Gai Écoute inc. et la Fondation Émergence inc.":

Mr. Laurent McCutcheon, President.

Institute for the Study of Marriage, Law and Culture:

Daniel Cere, Director, Institute for the Study of Marriage.

Parents, Families and Friends of Lesbians and Gays (PFLAG) Ontario:

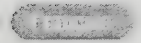
Bill Hawke, Member;

Geoff Robbins, Member.

REAL Women of Canada:

Sophie Joannou, Member, Board of Directors;

Gwendolyn Landolt, National Vice-President.



MINUTES OF PROCEEDINGS

Meeting No. 16

Wednesday, February 12, 2003

The Standing Committee on Justice and Human Rights met at 3:41 p.m. this day, in Room 371, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, Pat O'Brien, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Institute for the Study of Marriage, Law and Culture: Daniel Cere, Director. *From "Gai Écoute inc. et la Fondation Émergence Inc.":* Laurent McCutcheon, President. *From REAL Women of Canada:* Gwendolyn Landolt, National Vice-President; Sophie Joannou, Member of the Board of Director. *From PFLAG Ontario:* Bill Hawke; Geoff Robbins.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 5:40 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 17

Thursday, February 13, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Canadian Christian Women Organization for Life:

Jean Ferrari.

Canadian Conference of Catholic Bishops:

Msgr. André Gaumond, Archbishop of Sherbrooke, Member of the Executive, Canadian Conference of Catholic Bishops;

Marlene Smadu (Member of the Board of Directors of the Catholic Organization for Life and Family.

The Evangelical Fellowship of Canada:

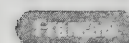
Bruce Clemenger, Director, Centre for Faith and Public Life;

Dr. Franklin Pyles.

United Church of Canada:

Alison Huntley, Researcher;

Choice Okoro, Program Officer, Human Rights and Reconciliation Initiatives.



MINUTES OF PROCEEDINGS

Meeting No. 17

Thursday, February 13, 2003

The Standing Committee on Justice and Human Rights met at 9:05 a.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, The Hon. Hedy Fry, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Réal Ménard for Robert Lanctôt, Svend Robinson for The Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the United Church of Canada: Choice U. Okoro, Programme Officer, Human Rights & Reconciliation Initiatives; Alison Huntley, Researcher. *From the Canadian Conference of Catholic Bishops:* Msgr. André Gaumond, Archbishop of Sherbrooke, Member of the CCCB Executive; Dr. Marlene Smadu, Member of the Board of Directors of the Catholic Organization for Life and Family. *From the Evangelical Fellowship of Canada:* Bruce Clemenger, Director, Centre for Faith and Public Life; Dr. Franklin Pyles. *From the Canadian Christian Women Organization for Life:* Dr. Jean Ferrari.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 11:20 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 18

Tuesday, February 18, 2003

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESSES:

Coalition of Canadian Liberal Rabbis:

Joanne Cohen, Coordinator;

Rabbi Steven Garten, Spiritual Leader, Temple Israel (Ottawa).

Seventh-Day Adventist Church:

Barry Bussey, General Counsel, Public Affairs.

Westboro Baptist Church:

William Oosterman, Reverend.

As Individual:

Nigel Flear.



MINUTES OF PROCEEDINGS

Meeting No. 18

Tuesday, February 18, 2003

The Standing Committee on Justice and Human Rights met at 9:07 a.m. this day, in Room 371, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, The Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Member present: Svend Robinson for The Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Coalition of Canadian Liberal Rabbis: Steven Garten, Spiritual Leader, Temple Israel (Ottawa); Joanne Cohen, Coordinator. *From the Westboro Baptist Church:* Rev. William Oosterman. *From the Seventh-Day Adventist Church:* Barry Bussey, General Counsel, Public Affairs. *As Individual:* Nigel Flear; Steve Rawlinson.

Pursuant to Standing Order 108(2), the Committee resumed the study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

Mr. Lee moved, - That eleven (11) members of the Standing Committee on Justice and Human Rights be authorized to travel to **Vancouver, Edmonton, Moose Jaw (Sask), Steinbach (Man.), Halifax, Sussex (N.B./N.-B.), Sudbury, Toronto, Iqaluit, Montréal, Rimouski or elsewhere in Canada**, in April and May 2003 in order to hold public hearings in relation to its study on Marriage and the Legal Recognition of Same-sex Unions and that the necessary staff do accompany the Committee.

The question being put on the motion, it was agreed to.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 19

Wednesday, February 19, 2003

ORDER OF THE DAY:

Study of marriage and the legal recognition of same-sex unions

WITNESSES:

"Chambre des notaires du Québec":

Brigitte Lefebvre (Notary and Professor, "Département des Sciences juridiques de l'UQAM");

Denis Marsolais, President.

Metropolitan Community Church of Toronto:

Douglas Elliott, Lawyer, McGowan Elliott & Kim

Rev. Brent Hawkes, Pastor.

Women for Life, Faith and Family:

Diane Watts, National President.

As Individual:

Christopher Gray, Professor, Department of Philosophy, Concordia University.



MINUTES OF PROCEEDINGS

Meeting No. 19

Wednesday, February 19, 2003

The Standing Committee on Justice and Human Rights met in a televised session at 3:33 p.m. this day, in Room 253-D, Centre Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Irwin Cotler, The Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, The Hon. Lorne Nystrom, Pat O'Brien, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From "Chambre des notaires du Québec": Me Denis Marsolais, President; Me Brigitte Lefebvre, Notary and Professor, "Département des Sciences juridiques de l'UQAM". *From the Metropolitan Community Church of Toronto:* Rev. Brent Hawkes, Pastor; Douglas Elliott, Lawyer, McGowan Elliott & Kim. *From Women for Life, Faith and Family:* Diane Watts, National President. *As Individual:* Christopher Gray, Professor, Department of Philosophy, Concordia University.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

Mr. Lee moved, - That the travel budget for the Committee's study on marriage and the legal recognition of same-sex unions, in the amount of \$346,615.00, be adopted and that the Chair seek the necessary funds.

The question being put on the motion, it was agreed to.

At 5:35 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 20

Thursday, February 20, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Canada Family Action Coalition:

Brian Rushfeldt, Executive Director.

Kingston Unitarian Fellowship:

Rev. Kathy Sage.

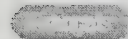
Unitarian Church of Montreal:

Rev. Meg Roberts.

As Individuals:

Paul Nathanson;

Katherine Young, Professor, McGill University.



MINUTES OF PROCEEDINGS

Meeting No. 20

Thursday, February 20, 2003

The Standing Committee on Justice and Human Rights met at 9:11 a.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Joe Peschisolido, The Hon. Andy Scott, Kevin Sorenson.

Acting Members present: Diane Ablonczy for Vic Toews, Réal Ménard for Robert Lanctôt.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Unitarian Church of Montreal: Rev. Meg Roberts. *From the Kingston Unitarian Fellowship:* Rev. Kathy Sage. *From Canada Family Action Coalition:* Brian Rushfeldt, Executive Director. *As Individual:* Prof. Katherine K. Young, McGill University; Dr. Paul Nathanson.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 21

Tuesday, February 25, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Canadian Union of Public Employees:

Joe Courtney, Senior Research Officer;

Judy Darcy, National President;

Fred Hahn, Pink Triangle Committee.

As Individual:

Jeffrey Asher.



MINUTES OF PROCEEDINGS

Meeting No. 21

Tuesday, February 25, 2003

The Standing Committee on Justice and Human Rights met at 9:05 a.m. this day, in Room 308, West Block, the Chair, the Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, The Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, Richard Marceau, John McKay, Pat O'Brien, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Réal Ménard for Robert Lanctôt, Svend Robinson for The Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Canadian Union of Public Employees: Judy Darcy, National President; Fred Hahn, Pink Triangle Committee; Joe Courtney, Senior Equality Officer. *As Individual:* Jeffrey Asher.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 22

Tuesday, February 25, 2003

ORDER OF THE DAY:

Study of Bill C-250, *An Act to amend the Criminal Code (hate propaganda)*

WITNESSES:

Department of Justice:

Elisabeth Eid, Assistant Director and Senior Counsel, Human Rights Law Section,
Department of Justice;

Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section, Department of Justice;

Donald Piragoff, Senior General Counsel, Criminal Law Policy Section.



MINUTES OF PROCEEDINGS

Meeting No. 22

Tuesday, February 25, 2003

The Standing Committee on Justice and Human Rights met at 11:03 a.m. this day, in Room 308, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, The Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, Richard Marceau, John McKay, The Hon. Lorne Nystrom, Pat O'Brien, Joe Peschisolido, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Larry Spencer for Garry Breitkreuz, Réal Ménard for Robert Lanctôt.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the House of Commons: Svend Robinson, Burnaby—Douglas. *From the Department of Justice:* Donald Piragoff, Senior General Counsel, Criminal Law Policy Section; Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section; Elisabeth Eid, Assistant Director and Senior Counsel, Human Rights Law Section.

The Order of Reference dated Thursday, October 24, 2002, being now read as follows:

ORDERED, -- That Bill C-250, An Act to amend the Criminal Code (hate propaganda) be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

The witnesses made a statement and answered questions.

That, pursuant to Standing Order 97.1, the Committee request an extension of thirty sitting days to consider Bill C-250, *An Act to amend the Criminal Code (hate propaganda)*, referred to the Committee on October 24, 2002 and that the Chair report to the House.

At 12:25 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 23

Wednesday, February 26, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Canadian Unitarian Council:

Mary Bennett, Executive Director;

Fred Cappuccino, Reverend.

«Confédération des syndicats nationaux»:

Dominique Dubuc, «Conseil Central de l'Estrie»;

Lise Poulin, Secretary General.

McGill University:

Shari Brotman, Centre for Applied Family Studies, School of Social Work;

Bill Ryan, Centre for Applied Family Studies, School of Social Work.





MINUTES OF PROCEEDINGS

Meeting No. 23

Wednesday, February 26, 2003

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 371, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Derek Lee, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Member present: Svend Robinson for The Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the McGill School of Social Work: Prof. Shari Brotman; Prof. Bill Ryan. *From the Confederation of National Trade Unions:* Lise Poulin, Secretary General; Dominique Dubuc, « Conseil Central de l'Estrie ». *From the Canadian Unitarian Council:* Mary Bennett, Executive Director; Rev. Fred Cappuccino.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

By unanimous consent, it was agreed --That, pursuant to Standing Order 97.1, the Committee request an extension of thirty sitting days to consider Bill C-231, *An Act to amend the Divorce Act (limits on rights of child access by sex offenders)*, referred to the Committee on October 24, 2002 and that the Chair report to the House.

By unanimous consent, it was agreed --That the proposed operational budget of the Committee in the amount of \$50,000.00 be adopted and that the Chair present the said budget to the budget Subcommittee of the Liaison Committee.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 24

Thursday, February 27, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

“Coalition Gaie et Lesbienne du Québec”:

Claudine Ouellet, Lawyer; Director General.

Interfaith Coalition for Same-Sex Marriage:

Reverend Jackie Harper;

Rabbi Justin Lewis.

As Individual:

Michael Seath.

MINUTES OF PROCEEDINGS

Meeting No. 24

Thursday, February 27, 2003

The Standing Committee on Justice and Human Rights met at 9:06 a.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Interfaith Coalition: Justin Lewis; Rev. Jackie Harper. *As Individual:* Michael Seath. *From "Coalition Gaie et Lesbienne du Québec":* Claudine Ouellet.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 10:45 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 25

Tuesday, March 18, 2003

IN CAMERA



MINUTES OF PROCEEDINGS

Meeting No. 25

Tuesday, March 18, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 9:00 a.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, The Hon. Andy Scott, Kevin Sorenson.

Acting Members present: Carolyn Bennett for The Hon. Hedy Fry, Svend Robinson for The Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

The Committee discussed its future business.

By unanimous consent, it was agreed – That, during the public hearings on marriage and the legal recognition of same-sex unions, the Committee continue with its past policy of not hearing from elected officials.

At 10:10 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 26

Thursday, March 20, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

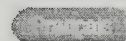
WITNESSES:

As Individuals:

Jeremy Dias;

W. André Lafrance;

Peter Wadeck.



MINUTES OF PROCEEDINGS

Meeting No. 26

Thursday, March 20, 2003

The Standing Committee on Justice and Human Rights met at 9:10 a.m. this day, in Room 705, La Promenade Building, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Derek Lee, Paul Harold Macklin, Richard Marceau, John McKay, Pat O'Brien, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: As Individual: W. André Lafrance; Peter Wadek; Jeremy Dias.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

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on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 27

Tuesday, March 25, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Canadian Bar Association:

Patricia LeFebour, Executive Member, Sexual Orientation and Gender Identity Conference;
Tamra L. Thomson, Director, Legislation and Law Reform.

Cosmas and Damian Society:

Richard Bastien, Consultant;
John Gay;
Tim Lau.



MINUTES OF PROCEEDINGS

Meeting No. 27

Tuesday, March 25, 2003

The Standing Committee on Justice and Human Rights met at 9:03 a.m. this day, in Room 269, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: The Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, Richard Marceau, John McKay, Pat O'Brien, The Hon. Andy Scott, Vic Toews.

Acting Member present: Réal Ménard for Robert Lanctôt.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Canadian Bar Association: Tamra L. Thomson, Director, Legislation and Law Reform; Patricia LeFebour, Executive Member, Sexual Orientation and Gender Identity Conference. *From the Cosmas and Damian Society:* Richard Bastien, Consultant; Dr. John Gay; Dr. Tim Lau.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

The witnesses made a statement and answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 28

Thursday, March 27, 2003

ORDER OF THE DAY:

Study of Bill C-22, An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and amend other Acts in consequence

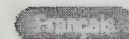
APPEARING:

Hon. Martin Cauchon, Minister of Justice

WITNESS:

Department of Justice:

Virginia McRae, Senior General Counsel, Family, Children and Youth Section.



MINUTES OF PROCEEDINGS

Meeting No. 28

Thursday, March 27, 2003

The Standing Committee on Justice and Human Rights met in a televised session at 9:00 a.m. this day, in Room 253-D, Centre Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Marlene Jennings, Paul Harold Macklin, Richard Marceau, John McKay, The Hon. Lorne Nystrom, Pat O'Brien, Joe Peschisolido, The Hon. Andy Scott.

Acting Member present: Jay Hill for Chuck Cadman.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Appearing: From the House of Commons: Hon. Martin Cauchon, Minister of Justice.

Witness: From the Department of Justice: Virginia McRae, Senior General Counsel, Family, Children and Youth Section.

The Order of Reference dated Tuesday, February 25, 2003, being now read as follows:

ORDERED, -- That Bill C-22, An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to amend other Acts in consequence be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The minister made a statement and, with the other witness, answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 29

Tuesday, April 1, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Dignity Canada Dignité:

Donald Meen;

Kevin Simpson, President.

Focus on the Family Canada Association:

Darrel Reid, President.

Multi Union Pride Committee:

Sharon Bard, Member;

Steve Houston, Member, Public Service Alliance of Canada.

North Shore Clergy Fellowship, North and West Vancouver:

The Reverend Ed Hird, Co-Leader;

The Reverend Owen Scott, Co-Leader.

Office of Life and Family:

Pavel Reid, Director, Roman Catholic Archdiocese of Vancouver.



Queen's Empire Group:

Dennis Jones.

The Raging Grannies:

Robyn Smith.

REAL Women of B.C.:

Laurie Geschke, Vice-President;

Virginia Kirkham.

Religious Society of Friends (Quakers), Vancouver:

Rob Hughes.

Vancouver Association of Chinese Canadians:

Victor Wong, Executive Director.

Vancouver Christian Renewal Fellowship:

The Reverend Stephen Jung.

West Coast LEAF Association:

Alison Brewin, Program Director.

Yukon Human Rights Commission:

Brad Moore, Legal Counsel.

As Individual:

Douglas Allen, Professor, Department of Economics, Simon Fraser University;

Dawn Barbeau;

Elizabeth Barbeau;

Brent Bazinet;

Corrie Campbell;

James Chamberlain;

Martha Dow;

Karen Fraser;

Jim Hamilton;

Ernie Hamm;

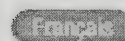
Steve Lebel;

Allen Leschert;

Nancy Lim;

Katherine Maas;

Craig Maynard;
Elaine Murray;
Janet O'Leary;
The Reverend Gary Paterson;
Bob Peacock;
Robin Alys Roberts;
Andrew Smyth;
John Redekop;
Cindy Silver, Lawyer;
The Reverend Tim Stevenson;
Lloyd Thornhill;
Heiko Van Eijnsbergen.



MINUTES OF PROCEEDINGS

Meeting No. 29

Tuesday, April 1st, 2003

The Standing Committee on Justice and Human Rights met at 8:30 a.m. this day, in Vancouver at the Renaissance Vancouver Hotel Harbourside in the Harbourside Ballroom 1, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Hon. Andy Scott, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: As Individual: Lloyd Thornhill; Bob Peacock. *From the Religious Society of Friends (Quakers), Vancouver:* Rob Hughes. *From the Real Women of B.C.:* Laurie Geschke, Vice-President. *From the Vancouver Association of Chinese Canadians:* Victor Yukmun Wong, Executive Director. *From Dignity Canada Dignité:* Kevin Simpson, President; Dr. Donald Meen. *From the Yukon Human Rights Commission:* Brad Moore, Legal Counsel. *From the Focus on the Family Canada Association:* Dr. Darrel Reid, President; Derek Rogusky, Director of Research. *From the Office of Life and Family:* Pavel Reid, Director, Roman Catholic Archdiocese of Vancouver. *As Individual:* Katherine Maas; Douglas W. Allen, Professor, Department of Economics, Simon Fraser University; Cindy E. Silver, Lawyer; Martha Dow. *From the Vancouver Christian Renewal Fellowship:* Rev. Stephen Jung. *From the West Coast L.E.A.F. Association:* Alison Brewin, Program Director. *As Individual:* James Chamberlain; Robin Alys Roberts. *From the Queen's Empire Group:* Dennis Jones. *As Individual:* Dawn Barbeau; Elizabeth Barbeau; John Redekop. *From the Multi Union Pride Committee:* Sharon Bard, Member; Steve Houston, Member, Public Service Alliance of Canada. *From the North Shore Clergy Fellowship, North and West Vancouver:* Rev. Ed Hird, Co-Leader; Rev. Owen Scott, Co-Leader.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 8:30 a.m., Lloyd Thornhill, Bob Peacock, Rob Hughes and Laurie Geschke made a statement and answered questions.

At 9:27 a.m., the sitting was suspended.

At 9:32 a.m., the sitting resumed.

Victor Yukmun Wong, Kevin Simpson, Dr. Donald Meen and Brad Moore made a statement and answered questions.

At 10:33 a.m., the sitting was suspended.

At 10:37 a.m., the sitting resumed.

Darrel Reid, Derek Rogusky, Pavel Reid and Katherine Maas made a statement and answered questions.

At 11:35 a.m., the sitting was suspended.

At 11:40 a.m., the sitting resumed.

Douglas W. Allen, Cindy E. Silver and Martha Dow made a statement and answered questions.

At 12:30 p.m., the sitting was suspended.

At 1:30 p.m., the sitting resumed.

Rev. Stephen Jung, Alison Brewin and James Chamberlain made a statement and answered questions.

At 2:27 p.m., the sitting was suspended.

At 2:32 p.m., the sitting resumed.

Robin Alys Roberts, Dennis Jones, Dawn Barbeau and Elizabeth Barbeau made a statement and answered questions.

At 3:25 p.m., the sitting was suspended.

At 3:30 p.m., the sitting resumed.

John Redekop, Sharon Bard, Steve Houston, Rev. Ed Hird and Rev. Owen Scott made a statement and answered questions.

At 4:30 p.m., the sitting was suspended.

At 4:37 p.m., the sitting resumed.

The following individuals made a brief statement: Andrew Smyth; Karen Fraser; Robin Smith; Allen Leschert; Jim Hamilton; Nancy Lim; Craig Maynard; Brent Bazinet; Janet O'Leary; Tim Stevenson; Gary Paterson; Corrie Campbell; Steve Lebel; Ernie Hamm; Heiko Van Eijnsbergen and Elaine Murray.

At 5:24 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 30

Wednesday, April 2, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Alberta Council for Global Cooperation:

Cherie Klassen, Executive Director.

Alberta Federation of Women United Families:

Corry Morcos, Vice-President.

Canadian Union of Public Employees:

Joey Sayer, Representative, Alberta Division.

OHM Corporate Health Consulting Ltd.:

Shannon Jacobi, President.

Open-Door Club:

Joel Chapman, President.

OutNorth:

Lorne Gushue, Member.

OUTreach and GLASS:

Matthew Woodley.

The Catholic Women's League of Canada:

Agnes Bedard, National President-elect;

Marie Cameron, National President.

As Individuals:

Sheree Drummond;

Linda Folkman;

Lise Gotell, Associate Professor, Women's Studies Program, University of Alberta;

The Reverend R. Wayne Lee;

Julie Lloyd;

Rhonda Lothammer;

Chris Martyniuk;

Ted Morton, Professor, University of Calgary and Alberta Senator Elect

Julie Rak;

Bruce Shaw;

Don Sheppard;

Beverley Smith;

Craig Stumpf-Allen;

Mark Stumpf-Allen.



Français

MINUTES OF PROCEEDINGS

Meeting No. 30

Wednesday, April 2, 2003

The Standing Committee on Justice and Human Rights met at 9:00 a.m. this day, in Edmonton at The Fairmont Hotel MacDonald in the Empire Ballroom, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Paul Harold Macklin, Richard Marceau, John McKay, Hon. Andy Scott, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Alberta Federation of Women United for Families: Corry Morcos, Vice-president; Artrude Doell, Member. *As Individual:* Linda Folkman; Tim Folkman; Sheree Drummond; Don Sheppard. *From the Canadian Union of Public Employees:* Joey Sayer. *As Individual:* Dr. Lise Gotell, Associate Professor, Women's Studies Program, University of Alberta; Ted Morton, Professor, University of Calgary and Alberta Senator Elect. *From the Alberta Council for Global Cooperation:* Cherie Klassen, Executive Director. *As Individual:* Chris Martyniuk; Beverley Smith; Rev. R. Wayne Lee; Craig Stumpf-Allen; Mark Stumpf-Allen. *From the Open-Door Club:* Joel Chapman, President. *From the OHM Corporate Health Consulting Ltd.:* Shannon Jacobi, President; Julie Rak. *From the The Catholic Women's League of Canada:* Marie Cameron, National President; Agnes Bedard, National President-elect. *From OUTreach and GLASS:* Matthew Woodley. *From the OutNorth:* Lorne Gushue, Member.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 9:00 a.m., Corry Morcos, Artrude Doell, Linda Folkman, Tim Folkman and Sheree Drummond made a statement and answered questions.

At 10:00 a.m., the sitting was suspended.

At 10:03 a.m., the sitting resumed.

Don Sheppard, Joey Sayer and Lise Gotell made a statement and answered questions.

At 10:57 a.m., the sitting was suspended.

At 11:04 a.m., the sitting resumed.

Ted Morton, Cherie Klassen and Chris Martyniuk made a statement and answered questions.

At 11:58 a.m., the sitting was suspended.

At 1:00 p.m., the sitting resumed.

Beverley Smith, Rev. R. Wayne Lee, Craig Stumpf-Allen and Mark Stumpf-Allen made a statement and answered questions.

At 1:50 p.m., the sitting was suspended.

At 2:00 p.m., the sitting resumed.

Joel Chapman, Shannon Jacobi, Julie Rak, Marie Cameron and Agnes Bedard made a statement and answered questions.

At 2:55 p.m., the sitting was suspended.

At 3:02 p.m., the sitting resumed.

Matthew Woodley and Lorne Gushue made a statement and answered questions.

At 3:43 p.m., the sitting was suspended.

At 3:46 p.m., the sitting resumed.

The following individuals made a brief statement: Bruce Shaw, Rhonda Lothammer and Julie Lloyd.

At 3:54 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 31

Thursday, April 3, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Saskatchewan Conference of the United Church of Canada:

Bob Kimmerly.

Saskatchewan Federation of Labour:

Larry Hubich, President;

Donna Smith, Vice-President, Solidarity and Pride.

Saskatchewan New Green Alliance:

Brian Berezowski.

As Individual:

Elaine Anderson;

Jill Brewer;

Rosalie Boots;

Beverley Dent;

Ned Garstad;

Donald McLean;

Nicole White.



Français

MINUTES OF PROCEEDINGS

Meeting No. 31

Thursday, April 3, 2003

The Standing Committee on Justice and Human Rights met at 9:15 a.m. this day, in Moose Jaw at the Heritage Inn, Jubilee C, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Paul Harold Macklin, Richard Marceau, John McKay, The Hon. Andy Scott.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Saskatchewan New Green Alliance: Brian Berezowski. *As Individual:* Donald R. McLean. *From the Saskatchewan Federation of Labour:* Donna Smith, Vice-President, Solidarity and Pride; Larry Hubich, President. *As Individual:* Ned Garstad; Jill Brewer; Rosalie Boots; Beverley Dent. *From The Saskatchewan Conference of the United Church of Canada:* Bob Kimmerly. *As Individual:* Elaine Anderson.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 9:15 a.m., Donald McLean and Brian Berezowski made a statement and answered questions.

At 10:04 a.m., the sitting was suspended.

At 10:08 a.m., the sitting resumed.

Donna Smith, Larry Hubich, Ned Garstad and Jill Brewer made a statement and answered questions.

At 11:20 a.m., the sitting was suspended.

At 11:30 a.m., the sitting resumed.

Rosalie Boots, Beverley Dent, Rev. Bob Kimmerly and Elaine Anderson made a statement and answered questions.

At 1:05 p.m., the sitting was suspended.

At 1:12 p.m., the sitting resumed.

Nicole White made a brief statement.

At 1:15 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 32

Friday, April 4, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Archdiocese of Winnipeg:

Holly Thibert;

Michael Thibert.

Campaign Life Coalition (Manitoba):

Rosemarie Kennedy.

Carman Association for Reformed Political Action:

Peter Veenendaal.

Christian Fellowship Church:

John Neufeld, Pastor.

Parents, Families and Friends of Lesbian and Gay Persons (Winnipeg):

Donna Brigham;

Helen Hesse.

Dignity Winnipeg “Dignité”:

Linda Hathout;

Terri Willard.

Hearth Families Incorporated:

Kathy Hildebrand.

Manitoba Human Rights Commission:

Janet Baldwin, Chairperson;

Elliot Leven.

Northern Sun Farm Cooperative:

Janine Gibson.

“Service du Mariage et de la Famille du Manitoba Inc.”:

Jean-Maurice Lemoine.

As Individuals:

Roger Armbruster;

Kristine Barr;

Gary Bastone;

Sarah Brewer;

Peter Broeski;

Kerry Cazzorla;

Leona Doerksen;

Gary Driedger;

Ray Duerksen;

Don Esler;

Lisa Fainstein, Professor, Faculty of Law;

Cornelius Fehr;

Laura Foresh;

Albert Friesen;

Audrey Goertzen;

Kelvin Goertzen;

Paul Haselauer;

Katie Heier;

Kim Holgate;
Jennifer Howard;
Donna Huen, Rainbow Resource Centre;
Robert Humphrey;
Diane Kally;
Virginia Larson;
Sally Lewis;
Rev. Dr. Lorraine Mackenzie Shepherd;
John McCarron;
Andrew Micklefield;
Lisa Passante;
Elsie Peters;
Nancy Renwick;
Loni Schwendeman;
Dale Smith;
Werner Trapp;
Brad Tyler-West;
Ralph Unger;
Valerie Wadephul;
Irwin Warkentin;
Ernie Wiens.



Français

MINUTES OF PROCEEDINGS

Meeting No. 32

Friday, April 4, 2003

The Standing Committee on Justice and Human Rights met at 8:30 a.m. this day, in Steinbach at the Mennonite Heritage Village (Canada) Inc. Museum, in the Auditorium, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, The Hon. Hedy Fry, Paul Harold Macklin, John McKay, The Hon. Andy Scott, Vic Toews.

Other Member present: Anita Neville.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: As Individual: Roger Armbruster. *From the Northern Sun Farm Cooperative:* Janine Gibson. *From the Christian Fellowship Church:* John Neufeld, Pastor. *As Individual:* John McCarron. *From the Archdiocese of Winnipeg:* Michael Thibert; Holly Thibert. *From the "Service du Mariage et de la Famille du Manitoba Inc.":* Jean-Maurice Lemoine. *From Parents, Families and Friends of Lesbian and Gay Persons (Winnipeg):* Helen Hesse; Donna Brigham. *From the Manitoba Human Rights Commission:* Janet Baldwin, Chairperson; Elliot Leven, Commissioner. *As Individual:* Valerie M. Wadehul; Prof. Lisa Fainstein, Professor, Faculty of Law; Brad Tyler-West; Jordan Cantwell. *From the Rainbow Resource Centre:* Donna Huen. *As Individual:* Don Esler. *From the Carman Association for Reformed Political Action:* Peter Veenendaal. *From the Campaign Life Coalition (Manitoba):* Rosemarie Kennedy. *From the Dignity Winnipeg Dignité:* Terri Willard; Linda Hathout. *As Individual:* Kristine Barr. *From the Hearth Families Incorporated:* Kathy Hildebrand. *As Individual:* Susan Prentice, Associate Professor, Sociology, University of Manitoba.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 8:30 a.m., Roger Armbruster, Janine Gibson and John Neufeld made a statement and answered questions.

At 9:20 a.m., the sitting was suspended.

At 9:30 a.m., the sitting resumed.

John McCarron, Michael Thibert et Holly Thibert made a statement and answered questions.

At 10:20 a.m., the sitting was suspended.

At 10:30 a.m., the sitting resumed.

Rachelle Lemoine, Jean-Maurice Lemoine, Helen Hesse, Donna Brigham, Janet Baldwin and Elliot Leven made a statement and answered questions.

At 11:25 a.m., the sitting was suspended.

At 11:30 a.m., the sitting resumed.

Valerie Wadehul, Lisa Fainstein and Brad Tyler-West made a statement and answered questions.

At 12:18 p.m., the sitting was suspended.

At 1:30 p.m. the sitting resumed.

Jordan Cantwell, Donna Huen and Don Esler made a statement and answered questions.

At 2:22 p.m., the sitting was suspended.

At 2:30 p.m., the sitting resumed.

Peter Veenendaal, Rosemarie Kennedy, Terri Willard and Linda Hathout made a statement and answered questions.

At 3:26 p.m., the sitting was suspended.

At 3:32 p.m., the sitting resumed.

Kristine Barr, Kathy Hildebrand and Susan Prentice made a statement and answered questions.

At 4:30 p.m., the sitting was suspended.

At 4:33 p.m., the sitting resumed.

The following individuals made a brief statement: Diane Kally, Petere Broeski, Loni Schwendeman, Gary Batstone, Robert Humphrey, Ernie Wiens, Kerry Cazzorla, Audrey Goertzen, Cornelius Fehr, Virginia Larson, Katie Heier, Andrew Micklefield, Werner Trapp, Albert Friesen, Gary Driedger, Kim Holgate, Laura Foush, Kelvin Goertzen, Elsie Peters, Sally Lewis, Rev. Dr. Lorraine Mackenzie Shepherd, Lisa Passante, Leona Doerksen, Ralph Unger, Jennifer Howard, Ray Duerksen, Nancy Renwick, Sarah Brewer, Paul Haselhauer, Dale Smith and Irwin Warkentin.

At 5:20 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 33

Monday, April 7, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Bedford Presbyterian Church:

Don Codling, Pastor.

Evangelical Pentecostal Church:

The Reverend Philip Taylor.

Gander Status of Women:

Angela Lambert, Assistant Coordinator.

Life and Family Issues:

Herman Wills.

Memorial University:

Gemma Hickey, General Director, Lesbians, Bisexuals, Gays and Transgenders.

Newfoundland Gays and Lesbians for Equality:

Derrick Bishop, Chair;

Nena Sandoval, Clinical Sexologist, Health Care Corporation of St. John's.

Nova Scotia Rainbow Action Project:

Sean Foreman;

Marie Paturel.

OUTLAW:

Scott Campbell, Co-Chair #1.

Prince Edward Island:

Nola Etkin, Abegweit Rainbow Collective;

Randall Perry, Abegweit Rainbow Collective.

Safe Harbour Metropolitan Community Church:

Ross Boutilier;

Brian Mombourquette.

Temple Baptist Church:

The Reverend Glenn Goode.

The Nova Scotia Coalition for Traditional Values:

William Ryan.

As Individuals:

Reginald Bone;

Bob Fougere;

The Reverend Lewis How, Rector, Parish of St. George;

Kevin Kindred;

Charles LeBlanc;

Jane Morrigan;

Lara J. Morris;

Edward B. Paul;

Diana Read-Miedema;

Brenda Richard;

Maureen Shebib;

Hugh Swandel;

Tamatha Trenholm;

Kim Vance.



MINUTES OF PROCEEDINGS

Meeting No. 33

Monday, April 7, 2003

The Standing Committee on Justice and Human Rights met at Halifax at the Casino Nova Scotia Hotel at 9:00 a.m. this day, in the Nova Scotia CD room, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Paul Harold Macklin, John Maloney, Richard Marceau, Hon. Andy Scott, Vic Toews.

In attendance: From the Library of Parliament: Kristen Douglas, analyst.

Witnesses: From the Nova Scotia Rainbow Action Project: Marie Paturel; Sean Foreman. *As Individual:* Hugh G.W. Swandel. *From NGALE - Newfoundland Gays and Lesbians for Equality:* Derrick Bishop, Chair; Nena Sandoval, Clinical Sexologist, Health Care Corporation of St. John's. *As Individual:* Rev. Lewis H. How, Rector, Parish of St. George. *From the Evangelical Pentecostal Church:* Rev. Philip Taylor. *From the Gander Status of Women:* Angela Lambert, Assistant Coordinator. *As Individual:* Charles LeBlanc. *From the Temple Baptist Church:* Rev. Glen Goode. *From the Safe Harbour Metropolitan Community Church:* Ross Boutilier; Brian Mombourquette. *As Individual:* Tamatha D. Trenholm. *From The Nova Scotia Coalition for Traditional Values:* Prof. William L. Ryan. *As Individual:* Kim Vance. *From OUTLAW:* Scott Campbell, Co-Chair #1. *From the Abegweit Rainbow Collective, PEI:* Nola Etkin; Randall Perry. *From Life and Family Issues:* Herman H. Wills. *From the Bedford Presbyterian Church:* Don Codling, Pastor. *From the Lesbians, Bisexuals, Gays and Transgenders, Memorial University:* Gemma Hickey, General Director.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 9:00 a.m., Marie Paturel, Hugh G.W. Swandel, Derrick Bishop and Nena Sandoval made a statement and answered questions.

At 10:00 a.m., the sitting was suspended.

At 10:04 a.m., the sitting resumed.

Rev. Lewis H. How, Rev. Philip Taylor and Angela Lambert made a statement and answered questions.

At 11:03 a.m., the sitting was suspended.

At 11:10 a.m., the sitting resumed.

Charles LeBlanc, Rév. Glenn Goode, Ross Boutilier and Brian Mombourquette made a statement and answered questions.

At 12:06 p.m., the sitting was suspended.

At 1:00 p.m., the sitting resumed.

Tamatha D. Trenholm, Prof. William L. Ryan and Kim Vance made a statement and answered questions.

At 1:54 p.m., the sitting was suspended.

At 2:58 p.m., the sitting resumed.

Scott Campbell, Nola Etkin, Randall Perry and Herman H. Wills made a statement and answered questions.

At 3:49 p.m., the sitting was suspended.

At 4:00 p.m., the sitting resumed.

Don Codling and Gemma Hickey made a statement and answered questions.

At 4:42 p.m., the sitting was suspended.

At 4:45 p.m., the sitting resumed.

The following individuals made a brief statement: Lara J. Morris, Edward B. Paul, Brenda K. Richard, Maureen Shebib, Kevin Kindred, Bob Fougere, Reginald Bone, Jane Morrigan et Diana Read-Miedema.

At 6:10 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 34

Tuesday, April 8, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Atlantic Canada Association of Free Will Baptists:

The Reverend Jeff Crabtree.

Egale Canada Equality for Gays and Lesbians Everywhere:

Donald Tabor, Representative (male), Atlantic Region.

Canadian Baptist Ministries:

Reverend Harry Gardner, Executive Minister, Convention of Atlantic Baptist Churches;

Lois Mitchell, Director, Public Witness and Social Concerns Facilitator.

Centenary-Queen Square United Church:

Robert Johnson, Minister.

Christian Action Federation of New Brunswick Inc:

Mary Thurrott, Executive Director.

Christian Legal Fellowship of Canada:

David McMath, Member.

“Lesbiennes de Moncton” Lesbians:

Jacinthe LeBlanc.

Parents, Families and Friends of Lesbian and Gay Persons (Canada):

Eldon Hay, President.

Rothsay Baptist Church:

Heather Debouver, Member, Social Action Committee.

As Individuals:

Mario Bourgeois;

Pierre Bourgeois;

Michèle Caron, Professor, Faculty of Law, Moncton University;

Allison Comeau;

James Crooks;

Greg Dabourn;

Kim Furlotte;

Grace Getty, Professor, Director of the Graduate Program, Coordinator of the SWAT Peer Education Program, Faculty of Nursing, University of New Brunswick;

Kimberley Gilroy;

Jay Guptill;

Heather Hughes;

Danny Jardine;

David Jenkins;

Marla Kavalak;

James LeBlanc;

Michelle Livingston;

Susan Marsden;

Glenn McAllister;

Brenda M. McKnight;

Haifa Miller;

Klaus Muller;

The Reverend Ted Newell, Pastor, Jemseg Baptist Church;

Beatrice Salsman;

Wendy Sweet;

Wayne Toole;

Carl Trickey;

Sheila Watters.



Français

MINUTES OF PROCEEDINGS

Meeting No. 34

Tuesday, April 8, 2003

The Standing Committee on Justice and Human Rights met at Sussex at the Quality Inn at 9:00 a.m. this day, in the Banquet Room, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Paul Harold Macklin, John Maloney, Richard Marceau, The Hon. Andy Scott, Vic Toews.

In attendance: From the Library of Parliament: Kristen Douglas, analyst.

Witnesses: As Individual: Jay Guptill; Heather L. Hughes; Klaus Muller. *From the Canadian Baptist Ministries:* Lois P. Mitchell, Public Witness and Social Concerns Facilitator; Rev. Harry Gardner, Executive Minister, Convention of Atlantic Baptist Churches. *From the Parents, Families and Friends of Lesbian and Gay Persons (Canada):* Eldon Hay, President; Janet Hammock. *From the Rothesay Baptist Church:* Heather Debouver, Member, Social Action Committee. *As Individual:* Susan Marsden; Beatrice Salsman. *From the Christian Legal Fellowship of Canada:* David W. McMath, Member. *From the Atlantic Canada Association of Free Will Baptists:* Rev. Jeff Crabtree. *As Individual:* David Jenkins; Rev. Ted Newell, Pastor, Jemseg Baptist Church; Marla Kavalak; Michelle Livingston. *From the Centenary-Queen Square United Church:* Robert L. Johnson, Minister. *As Individual:* Wayne Toole; Art Toole. *From Lesbiennes de Moncton Lesbians:* Jacinthe Leblanc. *As Individual:* Grace Getty, Professor, Director of the Graduate Program, Coordinator of the SWAT Peer Education Program, Faculty of Nursing, University of New Brunswick. *From the Christian Action Federation of New Brunswick Inc.:* Mary E. Thurrott, Executive Director. *As Individual:* Carl Trickey; James Crooks. *From Egale Canada (Equality for Gays and Lesbians Everywhere):* Donald Tabor, Representative (male), Atlantic Region. *As Individual:* Michèle L. Caron, Professor, Faculty of Law, Moncton University.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 9:00 a.m., Jay Guptill, Heather L. Hughes and Klaus Muller made a statement and answered questions.

At 9:26 a.m., the sitting was suspended.

At 9:30 a.m., the sitting resumed.

Lois P. Mitchell, Rev. Harry Gardner, Eldon Hay and Janet Hammock made a statement and answered questions.

At 10:25 a.m., the sitting was suspended.

At 10:30 a.m., the sitting resumed.

Heather Debouver, Susan Marsden, Beatrice Salsman and David W. McMath made a statement and answered questions.

At 11:20 a.m., the sitting was suspended.

At 11:26 a.m., the sitting resumed.

Rev. Jeff Crabtree, David Jenkins and Rev. Ted Newell made a statement and answered questions.

At 12:20 p.m., the sitting was suspended.

At 1:25 p.m., the sitting resumed.

Marla Kavalak, Michelle Livingston, Robert L. Johnson, Wayne Toole and Art Toole made a statement and answered questions.

At 2:15 p.m., the sitting was suspended.

At 2:27 p.m., the sitting resumed.

Jacinthe Leblanc, Grace Getty and Mary E. Thurrott made a statement and answered questions.

At 3:26 p.m., the sitting was suspended.

At 3:33 p.m., the sitting resumed.

Carl Trickey, James Crooks, Donald Tabor and Michèle L. Caron made a statement and answered questions.

At 4:20 p.m., the sitting was suspended.

At 4:29 p.m., the sitting resumed.

The following individuals made a brief statement: Sheila Watters, Mario Bourgeois, Kim Furlotte, Allison Comeau, Haïfa Miller, Glenn McAllister, Kimberley Gilroy, Greg Dabourn, Pierre Bourgeois, Rév. Brenda M. McKnight, Danny Jardine, Wendy Sweet et James Leblanc.

At 5:00 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 35

Wednesday, April 9, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

ACCESS— AIDS Committee of Sudbury:

Marco Thériault, Coordinator, Health Choices Program.

All Nations Church:

Michael Mieto, Reverend and Associate Pastor.

Congregational Christian Church:

Douglas Edwards.

First Baptist Church:

Robert Wilkins, Reverend.

Glad Tidings Tabernacle:

Greg Mayhew;

Kevin Serviss.

National Association of Women and the Law:

Margaret Denike, Professor.

Roman Catholic Dioceses of Sault Ste. Marie, Thunder Bay, Hearst and Timmins:

Anthony Man-Son-Hing, Reverend, Chancellor and Secretary to the Bishop;

Barbara Stachulak.

As Individuals:

Kathy Coyne;

Krystie Coyne;

Jane Djivre;

Wanda Eurich;

Denise Francey;

Jesse Greenwell;

Sandra Houzer;

Jennifer Howe;

Diane Ikonen;

Lisa Jensen;

David Jones;

Dawn Kelly;

Gary Kinsman, Professor, Laurentian University;

Gary Landers, Reverend;

Duncan MacRae;

Lita McDonald;

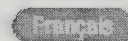
Christine Mick;

Linda Morgan;

Lily Murphy;

Colleen O'Hare;

Pierre Perreault.



MINUTES OF PROCEEDINGS

Meeting No. 35

Wednesday, April 9, 2003

The Standing Committee on Justice and Human Rights met in Sudbury at the Quality Inn at 8:58 a.m. this day, in the Banquet Room, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, The Hon. Andy Scott, Vic Toews.

Other Member present: The Hon. Diane Marleau.

In attendance: From the Library of Parliament: Kristen Douglas, analyst.

Witnesses: From the Dioceses of Sault Ste. Marie, Thunder Bay, Hearst and Timmins: Barbara Stachulak, Anthony Man-Son-Hing. *As Individual:* Gary Kinsman, Professor, Laurentian University; Denise Francey. *From the Congregational Christian Church:* Douglas Edwards; Lily Murphy. *As Individual:* Colleen O'Hare; Diane Ikonen. *From the Glad Tidings Tabernacle:* Kevin Serviss; Greg Mayhew. *As Individual:* Lisa Jensen; Lita McDonald. *From the National Association of Women and the Law:* Prof. Margaret Denike. *As Individual:* Jane Djivre. *From the All Nations Church:* Michael Mieto, Associate Pastor. *As Individual:* Rev. Gary Landers; Krystie Coyne; Kathy Coyne. *From the First Baptist Church:* Rev. Robert G. Wilkins. *From the Access AIDS Committee:* Marco Thériault. *As Individual:* Wanda Eurich.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 8:58 a.m., Barbara Stachulak, Anthony Man-Son-Hing, Gary Kinsman and Denise Francey made a statement and answered questions.

At 9:53 a.m., the sitting was suspended.

At 10:00 a.m., the sitting resumed.

Douglas Edwards, Lily Murphy, Colleen O'Hare and Diane Ikonen made a statement and answered questions.

At 10:56 a.m., the sitting was suspended.

At 11:00 a.m., the sitting resumed.

Kevin Serviss, Greg Mayhew, Lisa Jensen and Lita McDonald made a statement and answered questions.

At 11:54 a.m., the sitting was suspended.

At 1:00 p.m., the sitting resumed.

Margaret Denike, Jane Djivre and Rev. Michael Mieto made a statement and answered questions.

At 1:58 p.m., the sitting was suspended.

At 2:03 p.m., the sitting resumed.

Rev. Gary Landers, Krystie Coyne and Kathy Coyne made a statement and answered questions.

At 2:50 p.m., the sitting was suspended.

At 3:00 p.m., the sitting resumed.

Rev. Robert G. Wilkins, Marco Thériault and Wanda Eurich made a statement and answered questions.

At 3:52 p.m., the sitting was suspended.

At 4:00 p.m., the sitting resumed.

The following individuals made a brief statement: Linda Morgan, Christine Mick, Sandra Houzer, Pierre Perreault, Jennifer Howe, Dawn Kelly, Duncan MacRae, David Jones et Jesse Greenwell.

At 4:23 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 36

Thursday, April 10, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Catholic Civil Rights League:

Philip Horgan, Vice-President .

Christian Legal Fellowship of Canada:

Robert Reynolds, President;

Ruth Ross, Executive Director.

Coalition for Lesbian and Gay Rights in Ontario:

Richard Hudler;

Nick Mulé, Spokesperson.

Committee for Contact with the Government, Christian Reformed Church:

Mike Hogeterp, Coordinator, Research and Communications.

Geneva Presbyterian Church, Chesley:

David Margetts;

Kenneth Oakes.

Hamilton-Wentworth Family Action Council:

Jim Enos, Vice-President.

Islamic Society of North America:

M.D. Khalid.

Neighbourhood Unitarian Universalist Congregation:

Linda Thomson;

Wayne Walder, Minister.

Ontario Federation of Labour:

Wayne Samuelson, President;

Sue Slean, Vice-President.

Salvation Army:

David Luginbuhl, Lieutenant-Colonel;

Danielle Shaw-Buchholz, Associate Legal Advisor.

The Children's Voice:

Maxine Brandon, Vice-President.

As Individuals:

Brad Aisa;

Thomas Baxter, Teacher;

Richard Birney-Smith;

David Brown, Lawyer;

Richard Chambers;

Gerald Chipeur, Lawyer;

Yvonne Choquette;

Brenda Cossman, Professor, University of Toronto and Harvard;

Jorge Da Costa;

John Dobbin;

Gail Donnelly;

John Guiney;

Lillian Gwynyth Powell;

Ruby Hamilton;

John McCash;

Barbara McDowall;

Marlene Morais;

Rabbi David Novak, University of Toronto;

George Olds;

Dennis Pilon;

Joseph Polito;

Mary Rowe;

Bruce Ryder, Professor, Osgoode Hall Law School;

Jason Tang;

Julie Tehar.



MINUTES OF PROCEEDINGS

Meeting No. 36

Thursday, April 10, 2003

The Standing Committee on Justice and Human Rights this day in Toronto at the Delta Chelsea at 8:30 a.m. in the Mountbatten Salon, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, The Hon. Andy Scott.

In attendance: From the Library of Parliament: Kristen Douglas, senior analyst.

Witnesses: From the Coalition for Lesbian and Gay Rights in Ontario: Nick Mulé, Spokesperson; Richard Hudler. *From the Committee for Contact with the Government, Christian Reformed Church:* Mike Hogeterp, Coordinator, Research and Communications; Rev. Gordon Pols, Member. *From the Catholic Civil Rights League:* Philip Horgan, Vice-President. *As Individual:* John McCash; David Brown, Lawyer; Thomas S.H. Baxter, Teacher. *From The Children's Voice:* Maxine Brandon, Vice-President. *As Individual:* Joseph Polito; David Novak, University of Toronto. *From the Christian Legal Fellowship of Canada:* Ruth A.M. Ross, Executive Director; Robert Reynolds, President. *As Individual:* Dennis Pilon. *From the Ontario Federation of Labour:* Wayne Samuelson, President; Sue Clean, Vice-President. *From the Hamilton-Wentworth Family Action Council:* Jim Enos, Vice-President. *As Individual:* Gerald Chipeur, Lawyer; Prof. Bruce Ryder, Professor, Osgoode Hall Law School; Brenda Cossman, Professor, University of Toronto and Harvard. *From the Salvation Army:* Danielle Shaw-Buchholz, Associate Legal Advisor; LCol David Luginbuhl. *From the Islamic Society of North America:* M.D. Khalid. *From the Neighbourhood Unitarian Universalist Congregation:* Wayne Walder, Minister; Linda Thomson. *From The Geneva Presbyterian Church, Chesley:* Kenneth Oakes; David C. Margetts.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 9:00 a.m., Nick Mulé, Richard Hudler, Mike Hogeterp and Rev. Gordon Pols made a statement and answered questions.

At 9:15 a.m., the sitting was suspended.

At 9:30 a.m., the sitting resumed.

Philip Horgan, John McCash and David Brown made a statement and answered questions.

At 10:26 a.m., the sitting was suspended.

At 10:30 a.m., the sitting resumed.

Thomas S.H. Baxter, Maxine Brandon and Joseph Polito made a statement and answered questions.

At 11:33 a.m., the sitting was suspended.

At 11:35 a.m., the sitting resumed.

Rabbi David Novak, Ruth A.M. Ross, Robert Reynolds and Dennis Pilon made a statement and answered questions.

At 12:27 p.m., the sitting was suspended.

At 1:34 p.m., the sitting resumed.

Wayne Samuelson, Sue Slean and Jim Enos made a statement and answered questions.

At 2:18 p.m., the sitting was suspended.

At 2:27 p.m., the sitting resumed.

Gerald Chipeur, Bruce Ryder, Brenda Cossman, Danielle Shaw-Bucholtz and LCol David Luginbuhl made a statement and answered questions.

At 3:34 p.m., the sitting was suspended.

At 3:40 p.m., the sitting resumed.

M.D. Khalid, Wayne Walder, Linda Thomson, Kenneth Oakes and David C. Margetts made a statement and answered questions.

At 4:30 p.m., the sitting was suspended.

At 4:37 p.m., the sitting resumed.

The following individuals made a brief statement: John Guiney, Yvonne Choquette, Richard Birney-Smith, John Dobbin, Marlene Morais, George Olds, Gail Donnelly, Barbara McDowall, Richard Chambers, Lillian Gwynne, Powell, Jason Tang, Brad Aisa, Jorge Da Costa, Ruby Hamilton, Mary W. Rowe et Julie Tehar.

At 5:17 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 37

Friday, April 11, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Canadian Labour Congress:

Kim Beemer, Vice-President, Gay, Lesbian, Bisexual and Transgender Issues;

Marie Clarke Walker, Executive Vice-President.

Christian Heritage Party of Canada:

Ron Gray, National Leader.

Community Advisory Committee on Lesbian, Gay, Bisexual and Transgendered Issues:

Amelia Golden, Advisor,

Tatum Wilson, Representative.

Fallingbrook Heights Baptist Church:

Mel Finlay, Pastor, The Church at the Centre.

Free Methodist Church in Canada:

Rob Clements, Member, Study Commission on Doctrine.

Islamic Council of Imams-Canada:

Shabbir Ally, Coordinator.

Ontario Association of Social Workers:

Joan MacKenzie-Davies, Executive Director;

Peter Newman.

Ontario Conference of Catholic Bishops:

John Boissonneau, Bishop;

Sylvia Santin.

Right to Life Association of Toronto and Area:

Natalie Hudson, Executive Director.

The Pentecostal Assemblies of Canada:

David Hazzard, Assistant Superintendent;

Ted Seres, National Coordinator, Specialized Ministries.

Witness:

Jim Duffy, President.

As Individuals:

Jawed Akhter;

Kimberly Beaven;

Burke Christian;

Brian Cohen;

Robert Cooper;

Sherry De Novo, Reverend;

Siobhan Devine;

Deborah Eaton-Kent;

Matthew Eaton-Kent;

Bonnie Fox, Professor, University of Toronto;

Renée King;

Tamara Kronis;

Ulma Lee;

Marcus Logan;

Stace Lum-Yip;

Tony I Mandl;

Christopher McIntosh, Doctor;

David Mitges;

Glen Pelshea;

Cynthia Petersen, Lawyer, Sack, Goldblatt, Mitchell;

Alexandra Raffé;

David Rayside;

Peter Skaliks;

Eric Stephenson;

Matthew Tran-Adams;

Van Tran-Adams;

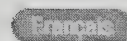
Martin Traub-Werner;

Kathy Vance;

Gerald Vandezande;

Lorraine Weinrib, Professor, Law School; Member, Department of Political Science,
University of Toronto;

Katherine Yu.



MINUTES OF PROCEEDINGS

Meeting No. 37

Friday, April 11, 2003

The Standing Committee on Justice and Human Rights met in Toronto at the Delta Chelsea, at 8:30 a.m. this day, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, The Hon. Andy Scott.

In attendance: From the Library of Parliament: Kristen Douglas, analyst.

Witnesses: As Individual: Cynthia Petersen, Lawyer, Sack, Goldblatt, Mitchell; Deborah Eaton-Kent; Matthew Eaton-Kent. *From the Ontario Conference of Catholic Bishops:* John Boissonneau, Bishop; Sylvia Santin. *From the Free Methodist Church in Canada:* Rob Clements, Member, Study Commission on Doctrine. *From the Right to Life Association of Toronto and Area:* Natalie Hudson, Executive Director. *As Individual:* Siobhan Devine; Alexandra Raffé. *From the Islamic Council of Imams-Canada:* Shabbir Ally, Coordinator. *As Individual:* Gerald Vandezande. *From the Community Advisory Committee on Lesbian, Gay, Bisexual and Transgendered Issues:* Amelia Golden, Advisor; Tatum Wilson. *As Individual:* Robert Cooper. *From The Pentecostal Assemblies of Canada:* Rev. Ted Seres, National coordinator, Specialized Ministries; David Hazzard. *From the Fallingbrook Heights Baptist Church:* Rev. Mel Finlay, Pastor, "The Church at the Centre". *From the Ontario Association of Social Workers:* Joan MacKenzie-Davies, Executive Director; Peter Newman. *As Individual:* Martin Traub-Werner; Tamara Kronis. *From the Canadian Labour Congress:* Marie Clarke Walker, Executive Vice-President; Kim Beemer, Vice-President, Gay, Lesbian, Bisexual and Transgender Issues. *As Individual:* Bonnie Fox, Professor, University of Toronto; Kimberly Beaven; Burke M. Christian. *From Witness:* Jim Michael Duffy, President. *From the Christian Heritage Party of Canada:* Ron Gray. *As Individual:* Lorraine Weinrib, Law School, University of Toronto.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 8:30 a.m., Cynthia Petersen, Deborah Eaton-Kent, Matthew Eaton-Kent, John Bissonneau and Sylvia Santin made a statement and answered questions.

At 9:30 a.m., the sitting was suspended.

At 9:35 a.m., the sitting resumed.

Rob Clements, Natalie Hudson, Siobhan Devine and Alexandra Raffé made a statement and answered questions.

At 10:30 a.m., the sitting was suspended.

At 10:35 a.m., the sitting resumed.

Gerald Vandezande, Amelia Golden, Shabbir Ally and Tatum Wilson made a statement and answered questions.

At 11:30 a.m., the sitting was suspended.

At 11:35 a.m., the sitting resumed.

Robert Cooper, Rev. Ted Seres, David Hazzard and Rev. Mel Finlay made a statement and answered questions.

At 12:25 p.m., the sitting was suspended.

At 1:30 p.m., the sitting resumed.

Joan MacKenzie-Davies, Peter Newman, Martin Traub-Werner, Tamara Kronis, Marie Clarke Walker and Kim Beemer made a statement and answered questions.

At 2:32 p.m., the sitting was suspended.

At 2:35 p.m., the sitting resumed.

Bonnie Fox, Kimberly Beaven and Burke M. Christian made a statement and answered questions.

At 3:04 p.m., the sitting was suspended.

At 3:10 p.m., the sitting resumed.

Jim Michael Duffy, Ron Gray and Lorraine Weinrib made a statement and answered questions.

At 4:25 p.m., the sitting was suspended.

At 4:27 p.m., the sitting resumed.

The following individuals made a brief statement: Katherine Yu, Christopher McIntosh, Tony Mandl, David Mitges, Ulma Lee, Marcus Logan, Kathy Vance, Glen Pelshea, Brian Cohen, Stace Lum-Yip, Renée King, Chris Phibbs, Eric Stephenson, Van Tran-Adams, Matthew Tran-Adams, Peter Skaliks, David Rayside, Jawed Akhter, Sherry de Novo.

At 5:12 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 38

Monday, April 28, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Canadian AIDS Society:

Paul Lapierre, Executive Director;

Patrick McIntyre, National Program Consultant.

"Centrale des syndicats du Québec":

Nicole de Sève, Counsellor;

Colette Trudel.

"Église Vie Nouvelle, Cap-de-la Madeleine":

Rev. Frédéric Colella, Pastor.

"Objectif Famille":

Denis Bourget.

Preserving Marriage for Young Canadians:

Kim D'Souza;

Sarah McNeill.

“Réseau de soutien pour les droits humains des lesbiennes, gais, bisexuels, travestis et transsexuels d'Amnistie Internationale”:

Jorge Flores-Aranda;

Roberto Jovel.

As Individuals:

Cynthia Beaulé, Laval University;

Myriam Brunel;

Melvin Chuck;

Hugo “Cyr, Professor, Faculté de science politique et de droit, Département des sciences juridiques”, “Université du Québec à Montréal”;

Michael Ferri;

Anthony Grumbine;

Michel Emery;

Nicole Hamel;

Nancy Leclerc;

Michel Lizotte;

Micheline Montreuil;

Micheline Petithomme;

Julie Pétrin;

Jean Rhéaume;

Mark Sward;

Jean Bruno Villeneuve.



Français

MINUTES OF PROCEEDINGS

Meeting No. 38

Monday, April 28, 2003

The Standing Committee on Justice and Human Rights met at 9:00 a.m. this day, in Montreal at the Delta Centre-Ville Hotel, in the Regence Ballroom, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Marlene Jennings, Paul Harold Macklin, Richard Marceau, John McKay, Hon. Andy Scott.

Acting Member present: Réal Ménard for Robert Lanctôt.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: As Individual: Nicole Hamel. *From the "Objectif Famille":* Denis Bourget. *As Individual:* Melvin Chuck. *From « Groupe Gai, Université Laval » :* Cynthia Beaulé. *From "Église Vie Nouvelle de Cap-de-la-Madeleine":* Frédéric Colella, Pastor. *As Individual:* Nancy Leclerc; Hugo Cyr, Professor, "Faculté de science politique et de droit, Université du Québec à Montréal". *From the Preserving Marriage for Young Canadians:* Sarah McNeill; Kim D'Souza. *As Individual:* Michel Emery; Micheline Montreuil. *From "Réseau de soutien pour les droits humains des lesbiennes, gays, bisexuels, travestis et transsexuels d'Amnistie Internationale":* Jorge Flores-Aranda; Roberto Jovel. *As Individual:* Michael J. Ferri; Anthony Grumbine; Myriam Brunel; Mr. Jean Rhéaume. *From the Canadian AIDS Society:* Patrick McIntyre, National Program Consultant; Paul Lapierre, Executive Director. *As Individual:* Julie Pétrin. *From "Centrale des syndicats du Québec":* Nicole de Sève, Counsellor; Colette Trudel.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 9:00 a.m., Nicole Hamel, Denis Bourget and Melvin Chuck made a statement and answered questions.

At 10:03 a.m., the sitting was suspended.

At 10:10 a.m., the sitting resumed.

Cynthia Beaulé, Le rév. Frédéric Colella and Nancy Leclerc made a statement and answered questions.

At 11:10 a.m., the sitting was suspended.

At 11:17 a.m., the sitting resumed.

Hugo Cyr, Sarah McNeill, Kim D'Souza and Michel Emery made a statement and answered questions.

At 12:15 p.m., the sitting was suspended.

At 1:00 p.m., the sitting resumed.

Micheline Montreuil, Jorge Flores-Aranda, Roberto Jovel, Michael J. Ferri and Anthony Grumbine made a statement and answered questions.

At 2:03 p.m., the sitting was suspended.

At 2:08 p.m., the sitting resumed.

Myriam Brunel and Jean Rhéaume made a statement and answered questions.

At 2:56 p.m., the sitting was suspended.

At 3:00 p.m., the sitting resumed.

Patrick McIntyre, Paul Lapierre, Julie Pétrin, Nicole de Sève and Colette Trudel made a statement and answered questions.

At 4:05 p.m., the sitting was suspended.

At 4:10 p.m., the sitting resumed.

The following individuals made a brief statement: Michel Lizotte, Mark Sward, Jean-Bruno Villeneuve et Micheline Petithomme.

At 4:20 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 39

Tuesday, April 29, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

"Association des parents catholiques du Québec":

Jean Morse-Chevrier, Vice-President;

Jocelyne St-Cyr, President.

"Barreau du Québec":

Suzanne Vadeboncoeur, Director, Research and Legislation.

"Centre de recherche et d'éducation à la vie familiale":

Solange Lefebvre-Pageau, Director.

"Centre d'orientation sexuelle de l'Université McGill":

Karine Josée Igartua.

"Coalition des Protestants Évangéliques du Québec":

Daniel Genest.

"Coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe":

Francis Lagacé, Spokesperson;

Jean-Pierre Leclerc, Spokesperson.

“Fédération des femmes du Québec”:

Vivian Barbot, présidente;

Evangeline Caldwell.

McGill Centre for Medicine, Ethics and Law:

Margaret Somerville, Director; Samuel Gale Chair, Faculty of Law, McGill University.

Queer McGill:

Mat McCamus;

Matthew McLauchlin.

As Individuals:

Martin Andrews;

Adèle Auxier;

Garnet Colly;

Alan Elhaj;

Danielle Julien, Professor, Department of Psychology, “Université du Québec à Montréal”;

Dara Lithwick;

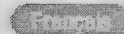
H. John Relton;

Nathalie Ricard;

Jeffrey Rock;

Roger Thibeault;

Pierre Valois.



MINUTES OF PROCEEDINGS

Meeting No. 39

Tuesday, April 29, 2003

The Standing Committee on Justice and Human Rights met at 8:30 a.m. this day, in Montreal at the Delta Centre-Ville Hotel, in the Regence Ballroom, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Marlene Jennings, Paul Harold Macklin, Richard Marceau, John McKay, Hon. Andy Scott.

Acting Member present: Réal Ménard for Robert Lanctôt.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the "Centre de recherche et d'éducation à la vie familiale de Montréal": Solange Lefebvre-Pageau. *As Individual:* Danielle Julien, Professor, Department of Psychology, "Université du Québec à Montréal"; Johanna Vyncke, Professor, "Université du Québec à Montréal"; Pierre Valois. *As Individual:* Nathalie Ricard. *From the McGill Centre for Medicine, Ethics and Law:* Margaret Somerville, Samuel Gale Professor of Law. *From the « Centre d'orientation sexuelle de l'Université McGill »:* Dr. Karine Josée Igartua; Dr. Richard Montoro. *From the "Fédération des femmes du Québec":* Vivian Barbot, President; Evangeline Caldwell. *From the "Coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe":* Francis Lagacé, Spokesperson; Jean-Pierre Leclerc. *From the "Barreau du Québec":* Pierre Gagnon; Suzanne Vadeboncoeur, Director, Research and Legislation. *From the "Association des parents catholiques du Québec":* Dr. Jean Morse-Chevrier, Vice-President; Jocelyne St-Cyr, President. *From Queer McGill:* Matthew McLaughlin; Mat McCamus. *From the "Coalition des Protestants Évangéliques du Québec":* Daniel Genest. *As Individual:* H. John Relton.

Pursuant to Standing Order 108(2), the Committee resumed its study on marriage and the legal recognition of same-sex unions.

At 8:30 a.m., Solange Lefebvre-Pageau, Danielle Julien, Johanna Vyncke and Pierre Valois made a statement and answered questions.

At 9:27 a.m., the sitting was suspended.

At 9:35 a.m., the sitting resumed.

Natalie Ricard, Margaret Somerville, Karine Josée Igartua and Richard Montoro made a statement and answered questions.

At 10:40 a.m., the sitting was suspended.

At 10:43 a.m., the sitting resumed.

Vivian Barbot, Evangeline Caldwell, Francis Lagacé and Jean-Pierre Leclerc made a statement and answered questions.

At 11:20 a.m., the sitting was suspended.

At 11:30 a.m., the sitting resumed.

Pierre Gagnon, Suzanne Vadeboncoeur, Jean Morse-Chevrier and Jocelyne St-Cyr made a statement and answered questions.

At 12:30 p.m., the sitting was suspended.

At 1:30 p.m., the sitting resumed.

Matthew McLauchlin, Mat McCamus, Daniel Genest and H. John Relton made a statement and answered questions.

At 2:30 p.m., the sitting was suspended.

At 2:32 p.m., the sitting resumed.

The following individuals made a brief statement: Martin Andrews; Adèle Auxier; Garnet Colly; Alain Elhaj; Dara Lithwick; Jeffrey Rock; Roger Thibault.

At 2:45 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 40

Wednesday, April 30, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

WITNESSES:

Qikiqtani Inuit Association:

Amanda Ford;

Kanayuk Salomonie.

Qullit Nunavut Status of Women Council:

Maureen Doherty, Executive Director.

As Individuals:

James T. Arreak;

May Aupaloota;

Steven Bill;

Allison Brewer;

Anna Brewer;

Jason Carpenter;

Elisapi Davidee;



Bryon Doherty;
Gail Girard;
Chris Grosset;
Virginia Larsson;
Wayne Moore;
Natsiapik Naqlinanig;
Mark O'Keefe;
Enoapik Sageatok;
Sky Aurora Wah-Shee;
Chris Wilson;
Steve Wood.



MINUTES OF PROCEEDINGS

Meeting No. 40

Wednesday, April 30, 2003

The Standing Committee on Justice and Human Rights met at 9:06 a.m. this day, in Iqaluit, at the Frobisher Inn, in the Astro Hill Complex, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Marlene Jennings, Paul Harold Macklin, Richard Marceau, Hon. Andy Scott.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Qullit Nunavut Status of Women Council: Maureen Doherty. *From the Qikiqtani Inuit Association:* Amanda Ford; Kanayuk Salomonie. *As Individual:* James T. Arreak; Allison Brewer; Anna Brewer, Virginia Larsson; Prof. Bryon Doherty; Chris Grosset.

Pursuant to Standing Order 108(2), the Committee resumes its study on marriage and the legal recognition of same-sex unions.

At 9:06 a.m., Maureen Doherty, Amanda Ford and Kanayuk Salomonie made a statement and answered questions.

At 10:05 a.m., the sitting was suspended.

At 10:10 a.m., the sitting resumed.

James T. Arreak, Allison Brewer and Anna Brewer made a statement and answered questions.

At 11:04 a.m., the sitting was suspended.

At 11:11 a.m., the sitting resumed.

Virginia Larsson, Bryon Doherty and Chris Grosset made a statement and answered questions.

At 12:12 p.m., the sitting was suspended.

At 1:06 p.m., the sitting resumed.

The following individuals made a brief statement: Chris Wilson; Gail Girard; Mark O'Keefe; Jason Carpenter; Steve Wood; Steven Bill; Wayne Moore; May Aupaloota; Natsiapik Naqlinanig; Elisapi Davidee; Enoapik Sageatok; Sean Doherty; Sky Aurora Wah-Shee.

At 3:35 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 41

Tuesday, May 6, 2003

ORDER OF THE DAY:

Consideration of Bill C-250, An Act to amend the Criminal Code (hate propaganda)

WITNESSES:

First United Church:

Read Sherman.

Focus on the Family Canada Association:

Derek Rogusky, Vice-President.

REAL Women of Canada:

Gwendolyn Landolt, National Vice-President.

Vancouver Police Department:

David Jones, Inspector.

MINUTES OF PROCEEDINGS

Meeting No. 41

Tuesday, May 6, 2003

The Standing Committee on Justice and Human Rights met at 9:00 a.m. this day, in Room 269, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, L'hon. Hedy Fry, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, The Hon. Andy Scott.

Attending Member present: Svend Robinson for The Hon. Lorne Nystrom.

Attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From Focus on the Family Canada Association: Derek Rogusky, Vice-president. *From First United Church:* Read Sherman. *From REAL Women of Canada:* Gwendolyn Landolt, National Vice-President. *From the Vancouver Police Department:* David Jones.

Pursuant to its Order of Reference of Thursday, October 24, 2002, the Committee resumed consideration of Bill C-250, an Act to amend the Criminal Code (hate propaganda) (*See Minutes of Proceedings, Tuesday, February 25, 2003, Meeting No. 22*).

The witnesses made a statement and answered questions.

By unanimous consent, it was agreed -- That the proposed operational budget of the Committee for its study on Bill C-250, in the amount of \$9,600.00, be adopted and that the Chair present the said budget to the budget Sub-committee of the Liaison Committee.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 42

Tuesday, May 6, 2003

IN CAMERA



MINUTES OF PROCEEDINGS

Meeting No. 42

Tuesday, May 6, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 11:12 a.m. this day, in Room 371, West Block, the Chair, Hon. Andy Scott, presiding.

Member of the Committee present: Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott.

Acting Member present: Svend Robinson for Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

The Committee discussed its future business.

It was agreed, -- That the Committee invite Government officials to appear before the Committee in relation to its study on Bill C-32.

It was agreed, -- That, pursuant to Order of the House adopted on February 7, 2003 there be established a Subcommittee on Solicitation laws, as defined in the Criminal Code, composed of six (6) members, including a Chair to be named by the Committee and one member from each of the five recognized parties in the House; that the Subcommittee have all of the powers of the Committee under Standing Order 108(1)(a), except the power to report directly to the House.

At 11:40 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 43

Wednesday, May 7, 2003

IN CAMERA



Français

MINUTES OF PROCEEDINGS

Meeting No. 43

Wednesday, May 7, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 3:40 p.m. this day, in Room 701, La Promenade Building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Vic Toews.

Acting Member present: Svend Robinson for Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Pursuant to Standing Order 108(2), the Committee resumes its study on marriage and the legal recognition of same-sex unions.

The Committee discussed a Draft Report.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 44

Thursday, May 8, 2003

IN CAMERA



Français

MINUTES OF PROCEEDINGS

Meeting No. 44

Thursday, May 8, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 9:06 a.m. this day, in Room 371, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Hon. Andy Scott, Vic Toews.

Acting Members present: Sue Barnes for Irwin Cotler, Réal Ménard for Robert Lanctôt, Loyola Hearn for Peter MacKay, Svend Robinson for Hon. Lorne Nystrom, Larry Spencer for Kevin Sorenson.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Pursuant to Standing Order 108(2), the Committee resumes its study on marriage and the legal recognition of same-sex unions.

The Committee discussed a Draft Report.

At 10:20 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 45

Tuesday, May 13, 2003

ORDER OF THE DAY:

Consideration of Bill C-250, An Act to amend the Criminal Code (hate propaganda)

WITNESSES:

Amnesty International (Canada):

Michael Battista, Member;

Alex Neve, Secretary General, English Speaking Branch.

Egale Canada:

Genevieve Chiu, Member;

John Fisher, Director of Advocacy.

The Evangelical Fellowship of Canada:

Adèle Auxier, Research Assistant;

Bruce Clemenger, Director, National Affairs.

As Individual:

Gerald Chipeur, Lawyer.



Français

MINUTES OF PROCEEDINGS

Meeting No. 45

Tuesday, May 13, 2003

The Standing Committee on Justice and Human Rights met at 9:05 a.m. this day, in Room 269, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, L'hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Member present: Svend Robinson for Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: As Individual: Gerald Chipeur, Lawyer. *From Egale Canada:* John Fisher, Director of Advocacy; Genevieve Chiu, Member. *From Amnesty International (Canada):* Alex Neve, Secretary General, English Speaking Branch; Michael Battista, Member. *From The Evangelical Fellowship of Canada:* Bruce Clemenger, Director, National Affairs; Adèle Auxier, Research Assistant.

Pursuant to its Order of Reference of Thursday, October 24, 2002, the Committee resumed consideration of Bill C-250, An Act to amend the Criminal Code (hate propaganda) (*See Minutes of Proceedings, Tuesday, February 25, 2003, Meeting No. 22*).

The witnesses made a statement and answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 46

Wednesday, May 14, 2003

ORDER OF THE DAY:

Consideration of Bill C-250, An Act to amend the Criminal Code (hate propaganda).

WITNESSES:

Statistics Canada:

Roy Jones, Director, Canadian Centre for Justice Statistics;

Michael Martin, Chief, Correctional Services Program, Canadian Centre for Justice Statistics.



Français

MINUTES OF PROCEEDINGS

Meeting No. 46

Wednesday, May 14, 2003

The Standing Committee on Justice and Human Rights met at 3:39 p.m. this day, in Room 705, La Promenade Building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Derek Lee, Peter MacKay, John Maloney, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Andy Savoy for Irwin Cotler, Paul Steckle for Marlene Jennings, Tom Wappel for Paul Harold Macklin, Larry Spencer for Garry Breitkreuz, Svend Robinson for Hon. Lorne Nystrom, Réal Ménard for Richard Marceau, Marcel Gagnon for Robert Lanctôt, John O'Reilly for John Maloney (3:39 p.m. to 4:00 p.m.).

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From Statistics Canada: Roy Jones, Director, Canadian Centre for Justice Statistics; Michael Martin, Chief, Correctional Services Program, Canadian Centre for Justice Statistics.

Pursuant to its Order of Reference of Thursday, October 24, 2002, the Committee resumed consideration of Bill C-250, *An Act to amend the Criminal Code (hate propaganda)* (*See Minutes of Proceedings, Tuesday, February 25, 2003, Meeting No. 22*).

Vic Toews moved – That, pursuant to Standing Order 97.1 the committee report to the House and recommend not to proceed further with Bill C-250, *An Act to amend the Criminal Code (hate propaganda)*, and recommend that the Minister of Justice examine the subject matter of C-250 with a view to dealing with the issues it raises, in conformity with fundamental Canadian freedoms.

Debate arose thereon.

By unanimous consent, it was agreed that, pursuant to Standing Order 108(2), the Committee resumed consideration of the issue of conditional sentencing.

At 4:25 p.m., the sitting was suspended.

At 4:30 p.m., the sitting resumed.

The Committee resumed consideration of the issue of conditional sentencing.

The witnesses made a statement and answered questions.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 47

Thursday, May 15, 2003

ORDER OF THE DAY:

Consideration of the Main Estimates 2003-2004: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50 and 55 under SOLICITOR GENERAL

APPEARING:

Honourable Wayne Easter, Solicitor General of Canada

WITNESSES:

Canadian Firearms Centre:

William Baker, Chief Executive Officer.

Correctional Service Canada:

Lucie McClung, Commissioner.

Royal Canadian Mounted Police:

Giuliano Zaccardelli, Commissioner.



Français

MINUTES OF PROCEEDINGS

Meeting No. 47

Thursday, May 15, 2003

The Standing Committee on Justice and Human Rights met in a televised session at 9:05 a.m. this day, in Room 237-C, Centre Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Marlene Jennings, Robert Lanctôt, Derek Lee, Paul Harold Macklin, John Maloney, John McKay, L'hon. Lorne Nystrom, Pat O'Brien, L'hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Howard Hilstrom for Garry Breitkreuz, Loyola Hearn for Peter MacKay, Svend Robinson for L'hon. Lorne Nystrom (10:40 a.m. – 11:20 a.m.).

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Appearing: Hon. Wayne Easter, Solicitor General of Canada.

Witnesses: From the Department of the Solicitor General: Nicole Jauvin, Deputy Solicitor General. *From the Canadian Security Intelligence Service:* Ward P. Elcock, Director. *From the Royal Canadian Mounted Police:* Giuliano Zaccardelli, Commissioner. *From the National Parole Board:* Ian Glen, Chair. *From Correctional Service Canada:* Lucie McClung, Commissioner. *From the Canadian Firearms Centre:* William V. Baker, Chief Executive Officer.

Pursuant to Standing Order 81(4), consideration of the Main Estimates 2003-2004, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50 and 55 under SOLICITOR GENERAL.

The witnesses made a statement and answered questions.

At 11:00 a.m., the sitting was suspended.

At 11:02 a.m., the sitting resumed in non-televised session.

At 11:20 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

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on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 48

Tuesday, May 27, 2003

ORDER OF THE DAY:

Consideration of the Process Private Members Business.

WITNESSES:

Department of Justice:

David Daubney, General Counsel, Sentencing Reform Team;

Donald Piragoff, Senior General Counsel, Criminal Law Policy Section;

Normand Wong, Counsel, Criminal Law Policy Section.

Treasury Board of Canada Secretariat:

Rhonda Lazarus, Senior Counsel, Legal Services Branch.



Français

MINUTES OF PROCEEDINGS

Meeting No. 48

Tuesday, May 27, 2003

The Standing Committee on Justice and Human Rights met at 8:40 a.m. this day, in Room 269, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Yvon Charbonneau for Pat O'Brien, Réal Ménard (8:45 a.m.) for Robert Lanctôt, Bernard Bigras (9:40 a.m.) for Robert Lanctôt, Larry Bagnell (9:45 a.m.) for Irwin Cotler.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Witnesses: From the Department of Justice: Donald Piragoff, Senior General Counsel, Criminal Law Policy Section; Julie Besner, Counsel, Criminal Policy Section; Normand Wong, Counsel, Criminal Law Policy Section; David Daubney, General Counsel, Sentencing Reform Team; Michael Zigayer, Senior Counsel, Criminal Law Policy Section. *From Treasury Board of Canada Secretariat:* John Weigelt, Senior Director, SIT & ICP; Rhonda Lazarus, Senior Counsel, Legal Services Branch.

Pursuant to Standing Order 108(2), the Committee considered the Process of Private Members' Business.

Vic Toews moved -- That, in relation to Standing Order 97.1, the committee apply the 60-day and 30-day extension deadlines to all options provided to the committee, including a motion to report a bill to the House with or without amendments and a motion recommending not to proceed further with a bill, and that, accordingly, all questions regarding any private member's bill shall be decided without further debate or amendment before routine proceedings on the day the 60-day or 30-day extension deadlines expire.

Debate arose thereon.

CHAIR'S RULING

First of all, let me say I share the concern of Mr. Toews, Mr. Lee--and I suspect most of the committee--around the situation we find ourselves in. Mr. MacKay has spoken to it, too, but I also share Mr. MacKay's view that this is not our decision to make. It is not our place to make these remedies.

So for the first part, I don't agree with Mr. Toews on the question that the committee has, in fact, two options. Clearly the rules anticipated other options than reporting with amendment, or reporting the bill or not.

One of the options outlined clearly in the standing orders--as you read them, in fact--is, if no bill

or report is presented by the end of these days, that it would be deemed to be reported without amendment. That is, in fact, one of the options that is available according to the standing orders and we would in fact be eliminating that option and I don't think we have the authority to do that.

I also don't think this is the venue to deal with what is obviously a problem that was created with all the best intentions. Let us remember that until this new rule took effect, a private member's bill might have sat in committee forever and that was one of the ways that private member's bills weren't, in fact, dealt with.

This rule was brought forward with the intention of making sure that didn't happen. It brings with it, its own problems and I accept that those problems exist and I think they should be remedied. In fact, as a committee who has been faced with those problems, I would suggest we might wish to dedicate a meeting to that process issue and everybody can get on the record.

As it stands, for the reasons I've just outlined, I cannot accept Mr. Toews' motion for the reasons I've outlined, and because to some extent what it really represents is closure on a private member's bill after 45 minutes of debate. Granted, Mr. Robinson has taken up those 45 minutes, but I think this place is familiar with a filibuster and it is in fact part of this process, a legitimate part of this process.

At some point it can be seen as being, let's say out of control or obstructionist. At some point I'm sure that all the committee members would feel that but certainly I wouldn't give that definition to 45 minutes. This very committee spent 28 hours, I think--or something like that--on the young offenders legislation and I didn't feel comfortable at that point bringing closure on that.

For those reasons, I'm going to rule Mr. Toews' motion out of order.

Whereupon Vic Toews moved, -- That the Chair's ruling be sustained.

The question was put on the motion and it was agreed to on the following recorded division:

Yeas:

Larry Bagnell
The Hon. Hedy Fry
Marlene Jennings
Derek Lee
Paul Harold Macklin
John Maloney
Yvon Charbonneau
Réal Ménard
Richard Marceau
Svend Robinson
Peter MacKay

(11)

Nays:

Garry Breitkreuz
Chuck Cadman
Kevin Sorenson
Vic Toews

(4)

At 8:54 a.m., the sitting was suspended.

At 9:03 a.m., the sitting resumed.

The Order of Reference dated Monday, April 28, 2003, being now read as follows:

ORDERED, -- That Bill C-32, An Act to amend the Criminal Code and other Acts be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

Donald Piragoff made a statement and, with the other witnesses, answered questions.

At 10:23 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 49

Wednesday, May 28, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions.



MINUTES OF PROCEEDINGS

Meeting No. 49

Wednesday, May 28, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 3:42 p.m. this day, in Room 701, La Promenade building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Marlene Jennings, Robert Lanctôt, John Maloney, John McKay, Hon. Lorne Nystrom, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson.

Acting Members present: Larry Spencer for Garry Breitkreuz, Svend Robinson for Hon. Lorne Nystrom.

Attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Pursuant to Standing Order 108(2), the Committee resumes its study on marriage and the legal recognition of same-sex unions.

The Committee proceeded to the consideration of a draft report.

At 5:22 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 50

Thursday, May 29, 2003

ORDER OF THE DAY:

Study of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

APPEARING:

The Honourable Wayne Easter, Solicitor General of Canada

WITNESSES:

Department of the Solicitor General:

Tim Killam, Assistant Commissioner, Technical Operations;

Richard Zubrycki, Director General.

Department of Justice:

Richard Mosley, Assistant Deputy Minister.



MINUTES OF PROCEEDINGS

Meeting No. 50

Thursday, May 29, 2003

The Standing Committee on Justice and Human Rights met in a televised session at 9:04 a.m. this day, in Room 253-D, Centre Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Marlene Jennings, Robert Lanctôt, John Maloney, John McKay, Hon. Lorne Nystrom, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson.

Acting Member present: Randy White for Garry Breitkreuz.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Robin MacKay, analyst.

Appearing: From the House of Commons: Hon. Wayne Easter, Solicitor General of Canada.

Witnesses: From the Department of the Solicitor General: Richard Zubrycki, Director General; Tim G. Killam, Assistant Commissioner, Technical Operations. *From the Department of Justice:* Richard G. Mosley, Assistant Deputy Minister.

The Order of Reference dated Friday, April 4, 2003, being now read as follows:

ORDERED, -- That Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

Wayne Easter made a statement and, with the other witnesses, answered questions.

At 10:55 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

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Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 51

Thursday, May 29, 2003

ORDER OF THE DAY:

Consideration of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

WITNESSES:

Canadian Bar Association:

Allan Manson, Chair, Committee on Imprisonment & Release;

Tamra Thomson, Director, Legislation and Law Reform.

Canadian Criminal Justice Association:

Glen Thompson, Executive Director;

Matthew Yeager, Member of the Board.

Canadian Resource Centre for Victims of Crime:

Steve Sullivan, President.

Ontario Provincial Police:

Charles Young, Staff Sergeant.



MINUTES OF PROCEEDINGS

Meeting No. 51

Thursday, May 29, 2003

The Standing Committee on Justice and Human Rights met at 11:00 a.m. this day, in Room 253-D, Centre Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Robert Lanctôt, Derek Lee, John Maloney, John McKay, Hon. Andy Scott, Kevin Sorenson.

Acting Member present: Randy White for Garry Breitkreuz.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Robin MacKay, analyst.

Witnesses: From the Canadian Resource Centre for Victims of Crime: Steve Sullivan, President. *From the Canadian Bar Association:* Allan Manson, Chair, Committee on Imprisonment & Release; Tamra L. Thomson, Director, Legislation and Law Reform. *From the Canadian Criminal Justice Association:* Glen Thompson, Executive Director; Matthew Yeager, Member of the Board. *From the Ontario Provincial Police:* Charles Young, Detective Staff Sergeant.

Pursuant to its Order of Reference of Friday, April 4, 2003, the Committee resumed consideration of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts (*See Minutes of Proceedings, Thursday, May 29, 2003, Meeting No. 50*).

The witnesses made a statement and answered questions.

By unanimous consent, it was agreed, -- That the proposed operational budget of the Committee for its study on *Bill C-23*, in the amount of \$14,400, be adopted and that the Chair present the said budget to the budget Sub-committee of the Liaison Committee.

At 1:00 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 52

Tuesday, June 3, 2003

ORDER OF THE DAY:

Consideration of recommendations made by the Sub-Committee on Corrections and Conditional Release Act

WITNESSES:

Correctional Service Canada:

Lucie McClung, Commissioner.

National Parole Board:

Ian Glen, Chair.

Office of the Correctional Investigator:

Ron Stewart, Correctional Investigator.



MINUTES OF PROCEEDINGS

Meeting No. 52

Tuesday, June 3, 2003

The Standing Committee on Justice and Human Rights met at 9:03 a.m. this day, in Room 269, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Robert Lanctôt, Derek Lee, Paul Harold Macklin, John McKay, Hon. Lorne Nystrom, Pat O'Brien, Hon. Andy Scott, Kevin Sorenson.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Lyne Casavant, analyst.

Witnesses: From Correctional Service Canada: Lucie McClung, Commissioner. *From the National Parole Board:* Ian Glen, Chair. *From the Office of the Correctional Investigator:* Ron Stewart, Correctional Investigator.

Pursuant to Standing Order 108(2), the Committee proceeded to the consideration of recommendations made by the Sub-Committee on Corrections and Conditional Release Act.

The witnesses made a statement and answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 53

Tuesday, June 3, 2003

ORDER OF THE DAY:

Study of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

WITNESSES:

Canadian Police Association:

Boyd Campbell, Manitoba Vice-President;

David Griffin, Executive Officer.

John Howard Society of Canada:

Graham Stewart, Executive Director.

Quebec Association of Social Rehabilitation Agencies:

Line Bernier, President, Regroupement des intervenants en matière d'agressions sexuelles;

Johanne Vallée, Executive Director.

As Individual:

Jim Stephenson.



Français

MINUTES OF PROCEEDINGS

Meeting No. 53

Tuesday, June 3, 2003

The Standing Committee on Justice and Human Rights met at 11:08 a.m. this day, in Room 269, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Robert Lanctôt, Derek Lee, Paul Harold Macklin, John Maloney, John McKay, Hon. Lorne Nystrom, Pat O'Brien, Hon. Andy Scott, Kevin Sorenson.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Robin MacKay, analyst.

Witnesses: From the Quebec Association of Social Rehabilitation Agencies: Johanne Vallée, Executive Director; Line Bernier, President, Regroupement des intervenants en matière d'agressions sexuelles. *From the John Howard Society of Canada:* Graham Stewart, Executive Director. *As an Individual:* Jim Stephenson; Anna Stephenson. *From the Canadian Police Association:* David Griffin, Executive Officer; Boyd Campbell, Manitoba Vice-President.

Pursuant to its Order of Reference of Friday, April 4, 2003, the Committee resumed consideration of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts (*See Minutes of Proceedings, Thursday, May 29, 2003, Meeting No. 50*).

The witnesses made a statement and answered questions.

At 12:04 p.m., the sitting was suspended.

At 12:34 p.m., the sitting resumed.

At 1:07 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 54

Wednesday, June 4, 2003

IN CAMERA



Français

MINUTES OF PROCEEDINGS

Meeting No. 54

Wednesday, June 4, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 3:37 p.m. this day, in Room 705, La Promenade Building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Larry Spencer for Chuck Cadman (16 h 10), John Harvard for Irwin Cotler, Sébastien Gagnon for Robert Lanctôt, Karen Kraft Sloan for John Maloney, Svend Robinson for Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Pursuant to Standing Order 108(2), the Committee resumes its study on marriage and the legal recognition of same-sex unions.

The Committee resumed consideration of a draft report.

At 4:36 p.m., the sitting was suspended.

At 4:39 p.m., the sitting resumed.

At 6:30 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 55

Thursday, June 5, 2003

ORDER OF THE DAY:

Consideration of the Process of Private Members' Business



Français

MINUTES OF PROCEEDINGS

Meeting No. 55

Thursday, June 5, 2003

The Standing Committee on Justice and Human Rights met at 9:18 a.m. this day, in Room 701, La Promenade Building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Pursuant to Standing Order 108(2), the Committee considered the Process of Private Members' Business.

Garry Breitkreuz moved -- That the Committee examine the options to effectively deal with the massive non-compliance with the firearms registry and consider what the implications non-compliance with the program and the Charter challenges, currently before the courts, may have on the cost and the effectiveness of the program.

After debate, the question was put on the motion and was negatived on the following recorded division:

Nays:

Marlene Jennings
Derek Lee
Paul Harold Macklin
John Maloney
John McKay
Pat O'Brien
Joe Peschisolido
Richard Marceau
(8)

Yeas:

Garry Breitkreuz
Chuck Cadman

(2)

The Committee resumed consideration of the Process of Private Members' Business.

Pat O'Brien gave notice of the following motion -- That the Chair of the Standing Committee on Justice and Human Rights issue a press release as soon as possible to correct the misperception that the Committee adopted Bill C-250, *An Act to amend the Criminal Code (hate propaganda)*, at committee.

By unanimous consent, it was agreed that the Chair of the Committee draft a letter to be sent to the Chair of the Standing Committee on Procedure and House Affairs in relation to the process of Private Members' Business.

At 10:45 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 56

Thursday, June 5, 2003

IN CAMERA



Français

MINUTES OF PROCEEDINGS

Meeting No. 56

Thursday, June 5, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 11:00 a.m. this day, in Room 701, La Promenade Building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Hon. Andy Scott, Kevin Sorenson.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

The Committee resumed consideration of matters related to committee business.

At 11:45 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 57

Monday, June 9, 2003

ORDER OF THE DAY:

Consideration of Bill C-32, *An Act to amend the Criminal Code and other Acts*

WITNESSES:

Department of Justice:

Julie Besner, Counsel, Criminal Policy Section;

Donald Piragoff, Senior General Counsel, Criminal Law Policy Section;

Normand Wong, Counsel, Criminal Law Policy Section.

International Association of Fire Fighters:

Jim Lee, Assistant to the General President, Canadian Office;

Office of the Privacy Commissioner of Canada:

George Radwanski, Privacy Commissioner of Canada;



MINUTES OF PROCEEDINGS

Meeting No. 57

Monday, June 9, 2003

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 701, La Promenade Building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Marlene Jennings, Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, Richard Marceau, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Marilyn Pilon, analyst.

Witnesses: From the Office of the Privacy Commissioner of Canada: George Radwanski, Privacy Commissioner of Canada. *From the International Association of Fire Fighters:* Jim Lee, Assistant to the General President, Canadian Office.

Pursuant to its Order of Reference of Monday, April 28, 2003, the Committee resumed consideration of Bill C-32, *An Act to amend the Criminal Code and other Acts* (See *Minutes of Proceedings, Tuesday, May 27, 2003, Meeting No. 48*).

The witnesses made a statement and answered questions.

At 4:02 p.m., the sitting was suspended.

At 4:08 p.m., the sitting resumed.

The Committee proceeded to Clause-by-Clause consideration of the Bill.

Witnesses: From the Department of Justice: Donald Piragoff, Senior General Counsel, Criminal Law Policy Section; Julie Besner, Counsel, Criminal Policy Section; Normand Wong, Counsel, Criminal Law Policy Section; David Daubney, General Counsel, Sentencing Reform Team.

The witnesses answered questions.

Clause 1 carried on division.

Clause 2 carried on division.

Clause 3 carried on division.

On Clause 4,

Paul Harold Macklin moved, -- That Bill C-32, in Clause 4, be amended by replacing lines 34 to 38 on

page 2 with the following:

if the interception is reasonably necessary for

(i) managing the quality of service of the computer system as it relates to performance factors such as the responsiveness and capacity of the system as well as the integrity and availability of the system and data; or

(ii) protecting the computer system against any act that would be an offence under subsection 342.1 (1) or 430 (1.1).

After debate, the question being put on the amendment, it was adopted on division.

Richard Marceau moved, -- That Bill C-32, in Clause 4, be amended by replacing lines 43 to 47 on page 2 with the following:

used or retained if it is essential to identify, isolate or prevent harm to the computer system.

After debate, the question being put on the amendment, it was negatived.

Clause 4, as amended, carried on division.

Clause 5 carried.

Clause 6 carried.

Clause 7 carried.

Clause 8 carried.

On Clause 9,

Paul Harold Macklin moved, -- That Bill C-32, in Clause 9, be amended by replacing, in the English version, line 11 on page 5 with the following:

composed of a judge and jury or is charged with

After debate, the question being put on the amendment, it was adopted.

Clause 9, as amended, carried on division.

Clause 10 carried.

Clause 11 carried on division.

Clause 12 carried on division.

Clause 13 carried on division.

Clause 14 carried on division.

Clause 15 carried on division.

Clause 16 carried on division.

Clause 17 carried on division.

Clause 18 carried on division.

Clause 19 carried on division.

Clause 20 carried on division.

Clause 21 carried on division.

Clause 22 negatived.

Clause 23 carried on division.

Clause 24 carried on division.

Clause 25 carried on division.

The Title carried.

The Bill, as amended, carried.

ORDERED, -- That the Chair report Bill C-32 with amendments to the House as the Third Report of the Committee.

At 4:25 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 58

Tuesday, June 10, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions



MINUTES OF PROCEEDINGS

Meeting No. 58

Tuesday, June 10, 2003

The Standing Committee on Justice and Human Rights met at 9:08 a.m. this day, in Room 701, La Promenade Building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Karen Kraft Sloan for Irwin Cotler, Svend Robinson for Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

The Order of Reference dated Wednesday, June 4, 2003, being now read as follows:

ORDERED, -- That Bill C-205, An Act to amend the Statutory Instruments Act (disallowance procedure for statutory instruments) be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

The Committee proceeded to Clause-by-Clause consideration of the Bill.

Clause 1 carried.

The Title carried.

The Bill carried.

ORDERED, -- That the Chair report Bill C-205 to the House as the Fourth Report of the Committee.

At 9:10 a.m., the sitting was suspended.

At 9:14 a.m., the Committee proceeded to sit *in camera*.

Pursuant to Standing Order 108(2), the Committee resumes its study on marriage and the legal recognition of same-sex unions.

At 11:07 a.m., the sitting was suspended.

At 11:55 a.m., the sitting resumed.

The Committee resumed consideration of its study on marriage and the legal recognition of same-sex unions.

At 1:00 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 59

Tuesday, June 10, 2003

IN CAMERA



Français

MINUTES OF PROCEEDINGS

Meeting No. 59

Tuesday, June 10, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 3:37 p.m. this day, in Room 701, La Promenade Building, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Peter MacKay, Paul Harold Macklin, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: John Harvard for Irwin Cotler, Réal Ménard for Robert Lanctôt, Svend Robinson for Hon. Lorne Nystrom.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Pursuant to Standing Order 108(2), the Committee resumes its study on marriage and the legal recognition of same-sex unions.

The Committee resumed consideration of a draft report.

At 5:40 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 60

Thursday, June 12, 2003

ORDER OF THE DAY:

Study of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

WITNESSES:

Canadian Association of Chiefs of Police:

Peter Cuthbert, Executive Director;

Vincent Westwick, Chair, Law Amendments Committee.

Government of Alberta:

Kathy Collins, Solicitor General Department;

Irv Yaverbaum, Department of Justice.

Government of Manitoba:

Jeffrey Schnoor, Executive Director, Policy Development and Analysis Division,
Department of Justice.

MINUTES OF PROCEEDINGS

Meeting No. 60

Thursday, June 12, 2003

The Standing Committee on Justice and Human Rights met at 9:06 a.m. this day, in Room 269, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Marlene Jennings, John Maloney, John McKay, Pat O'Brien, Joe Schisolido, Hon. Andy Scott, Kevin Sorenson.

Attending Members present: Randy White for Garry Breitkreuz, Réal Ménard for Robert Lanctôt.

Attendance: From the Library of Parliament: Philip Rosen, senior analyst, Robin MacKay, analyst.

Witnesses: From the Government of Alberta: Irv Yaverbaum, Department of Justice; Kathy Collins, Solicitor General Department. *From the Government of Manitoba:* Jeffrey Schnoor, Executive Director, Policy Development and Analysis Division, Department of Justice. *From the Canadian Association of Chiefs of Police:* Vincent Westwick, Chair, Law Amendments Committee; Peter Cuthbert, Executive Director.

Pursuant to its Order of Reference of Friday, April 4, 2003, the Committee resumed consideration of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts (*See Minutes of Proceedings, Thursday, May 29, 2003, Meeting No. 50*).

The witnesses made a statement and answered questions.

At 11:08 a.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 61

Thursday, June 12, 2003

ORDERS OF THE DAY:

Study of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

Consideration of its study on marriage and the legal recognition of same-sex unions

WITNESSES:

Barreau du Québec:

Carole Brosseau, Lawyer, Research and Legislation Service.

Beyond Borders:

Mark Hecht, Senior Legal Counsel;

Rosalind Prober, Director.

Department of the Solicitor General:

Andrew Harris, Senior Research Officer, Corrections Directorate.

Project Guardian:

Carrie Kohan, Co-Founder.

MINUTES OF PROCEEDINGS

Meeting No. 61

Thursday, June 12, 2003

The Standing Committee on Justice and Human Rights met at 11:16 a.m. this day, in Room 269, West Block, the Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott.

Visiting Members present: James Rajotte for Garry Breitkreuz, John Harvard for Irwin Cotler, Réal Ménard for Robert Gauthier, Svend Robinson for Hon. Lorne Nystrom, Stockwell Day for Kevin Sorenson, Larry Spencer for Vic Toews.

Other Member present: Brian Pallister.

Attendance: From the Library of Parliament: Philip Rosen, senior analyst, Robin MacKay, analyst.

Witnesses: *From the Barreau du Québec:* Carole Brosseau, Lawyer, Research and Legislation Service. *From Beyond Borders:* Rosalind Prober, Director; Mark Hecht, Senior Legal Counsel. *From Project Guardian:* Carrie Kohan, Co-ordinator. *From the Department of the Solicitor General:* Dr. Andrew Harris, Senior Research Officer, Corrections Directorate; Dr. James Bonta, Director, Corrections Research.

Pursuant to its Order of Reference of Friday, April 4, 2003, the Committee resumed consideration of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts (*See Minutes of Proceedings, Thursday, May 29, 2003, Meeting No. 50*).

The witnesses made a statement and answered questions.

At 11:50 a.m., the sitting was suspended.

At 12:04 p.m., the sitting resumed.

Pursuant to Standing Order 108(2), the Committee resumed consideration of its study on marriage and the legal recognition of same-sex unions.

Mr. Robinson moved, -- That this committee support the recent Ontario Court of Appeal decision which redefines the common law definition of marriage as the "voluntary union for life of two persons to the exclusion of all others", while fully respecting freedom of religion as guaranteed under the Charter of Rights.

Debate arose thereon.

At 1:58 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

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Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 62

Thursday, June 12, 2003

ORDER OF THE DAY:

Study on marriage and the legal recognition of same-sex unions

MINUTES OF PROCEEDINGS

Meeting No. 62

Thursday, June 12, 2003

The Standing Committee on Justice and Human Rights met at 3:42 p.m. this day, in Room 701, La Promenade Building, Chair, Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hon. Hedy Fry, Marlene Jennings, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Joe Peschisolido, Hon. Andy Scott, Kevin Sorenson.

Inviting Members present: Stockwell Day for Garry Breitkreuz, John Harvard for Irwin Cotler, Réal Ménard for Robert Gauthier, Sue Barnes for Derek Lee, Anita Neville for Paul Harold Macklin, Svend Robinson for Hon. Lorne Nystrom, Pat McNally for Vic Toews.

Attendance: From the Library of Parliament: Philip Rosen, senior analyst, Kristen Douglas, analyst.

Pursuant to Standing Order 108(2), the Committee resumes its study on marriage and the legal recognition of same-sex unions.

Debate resumed on Svend Robinson's motion (*See Minutes of Proceedings, Thursday, June 12, 2003, Meeting No. 61*).

After debate, the question was put on the motion and the result of the vote was announced:

Yas:

Sue Barnes
Hon. Hedy Fry
John Harvard
Marlene Jennings
Richard Marceau
Réal Ménard
Anita Neville
Svend Robinson

Nays:

Chuck Cadman
Stockwell Day
John Maloney
John McKay
John McNally
Pat O'Brien
Joe Peschisolido
Kevin Sorenson
(8)

Thereupon, the Chair voted in the affirmative for the following reasons:

STATEMENT BY THE CHAIR

"I've paid a great deal of attention over the course of these hearings in every part of Canada. I had a forum in my own constituency, which had 675 people there, and I listened. In 1999, I voted to keep the definition of "marriage" as it had existed. I have listened. I've listened with great respect to my colleagues, with a variety of views. I also have been informed by a number of judgments of the courts. I don't feel compelled to vote in any particular way because of what those judgments have said, but I also feel that I feel informed by them. It's a part of this process, in my opinion. Therefore, I will be voting in support of the motion of

Mr. Robinson.”

Accordingly, the motion was agreed to.

Pat O’Brien moved -- That the Government of Canada appeal both the B.C. Court and the Ontario Court decisions (re. same-sex marriage) to the Supreme Court.

The Chair having ruled part of the motion out of order, debate arose on the new motion: -- That the Government of Canada appeal the B.C. Court decision (re. same-sex marriage) to the Supreme Court.

At 5:19 p.m., the sitting was suspended.

At 5:54 p.m., the sitting resumed.

Debate resumed on Pat O’Brien’s motion.

At 6:12 p.m., the Committee adjourned to the call of the Chair.

Patrice Martin

Clerk of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 63

Thursday, September 25 2003

ORDER OF THE DAY:

Consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

APPEARING:

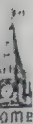
The Hon. Martin Cauchon, Minister of Justice and Attorney General for Canada

WITNESS:

Department of Justice:

Carole Morency, Senior Counsel, Criminal Law Policy Section.





MINUTES OF PROCEEDINGS

Meeting No. 63

Thursday, September 25, 2003

The Standing Committee on Justice and Human Rights met in a televised session at 11:05 a.m. this day, in Room 237-Centre Block, the Chair, the Hon. Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hedy Fry, Marlene Jennings, Derek Lee, Paul Arnold Macklin, Richard Marceau, John McKay, Lorne Nystrom, Pat O'Brien, Andy Scott, Kevin Sorenson and Vic O'Leary.

Guest Members present: Christian Jobin for Irwin Cotler.

Associate Members present: Inky Mark.

Guest attendance: Library of Parliament: Philip Rosen, Principal.

Guest appearing: Hon. Martin Cauchon, Minister of Justice.

Witnesses: Department of Justice: Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section; Carole Morency, Senior Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee commenced consideration of Bill C-20, an Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 12:47 p.m., the sitting was suspended.

At 12:51 p.m., the sitting resumed.

At 1:06 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte, Jean-Philippe Brochu
Clerks of the Committee

2003/09/29 1:18 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 64

Tuesday, September 30, 2003

ORDER OF THE DAY:

Election of a Chair



Français

MINUTES OF PROCEEDINGS

Meeting No. 64

Tuesday, September 30, 2003

The Standing Committee on Justice and Human Rights met at 11:05 a.m. this day, in Room 308 West Block, for the purpose of electing a Chair, pursuant to Standing Order 106(1).

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Marlene Jennings, Christian Jobin, Robert Lanctôt, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Lorne Nystrom, Pat O'Brien, Andy Scott, Kevin Sorenson and Vic Toews.

Acting Members present: Dominic LeBlanc for Hedy Fry and Brent St. Denis for Sarmite Bulte.

In attendance: Library of Parliament: Philip Rosen, Principal; Kristen Douglas, Analyst.

The Clerk of the Committee presided over the election of a Chair.

On motion of John McKay, it was agreed, — That Andy Scott be elected Chair of the Committee.

The Clerk of the Committee presided over the election of the Vice-Chairs.

On motion of Paul Harold Macklin, it was agreed, — That John McKay be elected as Government Vice-Chair of the Committee.

On motion of Garry Breitkreuz, it was agreed, — That Chuck Cadman be elected as Opposition Vice-Chair of the Committee.

Andy Scott took the Chair.

By unanimous consent, the Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee meet every Tuesday and Thursday from 9:00 a.m. to 1:00 p.m. and every Wednesday from 3:30 p.m. to 5:30 p.m.

Paul Harold Macklin moved, — That the Subcommittee on Solicitation Laws be composed of the following 6 members: Hedy Fry, Patty Torsney, Chuck Cadman, Richard Marceau, Libby Davies and Inky Mark.

Debate arose thereon.

After debate, the question was put on the motion and it was agreed to on division.

It was agreed, — That the Subcommittee on Solicitation Laws elect its Chair.

It was agreed, — That the Committee give priority to the following legislation: Bill C-20, Bill C-23, Bill C-33, Bill C-45 and Bill C-46.

On motion of Paul Harold Macklin, it was agreed, — That the Committee begin its hearings on Bill C-20 as soon as possible this week.

It was agreed, — That the Committee invite the Minister of Justice and his officials to appear before the Committee on Bill C-33 this week.

At 11:59 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2003/10/02 4:17 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 65

Wednesday, October 1, 2003

ORDER OF THE DAY:

Study of Bill C-33, An Act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences

WITNESSES:

Department of Justice:

Michel Laprade, Legal Counsel, Legal Services, Correctional Services of Canada.

Department of the Solicitor General:

Normand Payette, Acting Director, Corrections Policy.



Français

MINUTES OF PROCEEDINGS

Meeting No. 65

Wednesday, October 1, 2003

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 705 La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Marlene Jennings, Christian Jobin, Robert Lanctôt, Derek Lee, John Maloney, Inky Mark, John McKay, Lorne Nystrom, Andy Scott, Kevin Sorenson and Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: Department of Justice: Michel Laprade, Legal Counsel, Legal Services, Correctional Service of Canada. *Department of the Solicitor General:* Normand Payette, Acting Director, Corrections Policy.

Pursuant to the Order of Reference of Tuesday, May 13, 2003, the Committee commenced consideration of Bill C-33, An Act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences.

Normand Payette made a statement and with the other witness, answered questions.

The Committee considered 3 draft budgets.

On motion of John McKay, it was agreed, — That the proposed operational budget of the Committee for its study of Bill C-20 in the amount of \$ 31,500 be adopted and that the Chair present the said budget to the budget Sub-Committee of the Liaison Committee.

On motion of John McKay, it was agreed, — That the proposed operational budget of the Committee for its study of Bill C-33 in the amount of \$8,200 be adopted and that the Chair present the said budget to the budget Sub-Committee of the Liaison Committee.

On motion of John McKay, it was agreed, — That the proposed operational budget of the Committee for its study of Bill C-45 in the amount of \$13,000 be adopted and that the Chair present the said budget to the budget Sub-Committee of the Liaison Committee.

At 4:53 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/02 2:04 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

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on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 66

Tuesday, October 7, 2003

ORDER OF THE DAY:

Consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

WITNESSES:

Canada Family Action Coalition:

Russ Hiebert, Legal Counsel.

Canadian Civil Liberties Association:

A. Alan Borovoy, General Counsel.

The Evangelical Fellowship of Canada:

Janet Epp Buckingham, Director, Law and Public Policy.

Project Guardian:

Carrie Kohan, Co-Founder and Child Advocate.

MINUTES OF PROCEEDINGS

Meeting No. 66

Tuesday, October 7, 2003

The Standing Committee on Justice and Human Rights met at 9:06 a.m. this day, in Room 705 La Promenade Building, the Vice-Chair, Chuck Cadman, presiding.

Members of the Committee present: Chuck Cadman, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, Inky Mark, John McKay, Lorne Nystrom, Pat O'Brien, Kevin Brenson and Vic Toews.

Acting Members present: Lynn Myers for Sarmite Bulte, Julian Reed for Andy Scott and Alan Tonks for John McKay.

Attendance: Library of Parliament: Philip Rosen, Principal.

Witnesses: Canadian Civil Liberties Association: A. Alan Borovoy, General Counsel. *The Evangelical Fellowship of Canada:* Janet Epp Buckingham, Director, Law and Public Policy. *Canada Family Action Coalition:* Russ Hiebert, Legal Counsel. *Project Guardian:* Carrie Kohan, Co-Founder and Child Advocate.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee resumed consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 10:45 a.m., John McKay took the Chair.

At 11:11 a.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/08 1:47 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 67

Tuesday, October 7, 2003

ORDER OF THE DAY:

Study of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

WITNESSES:

Beyond Borders:

J.R. Norman Boudreau, Vice-President, Volunteer Executive Board;

David Matas, Member of the Board of Directors.

Office for Victims of Crime:

Scott Newark, Vice-Chair and Special Counsel.

Toronto Police Service:

Paul Gillespie, Detective Sergeant.



MINUTES OF PROCEEDINGS

Meeting No. 67

Tuesday, October 7, 2003

The Standing Committee on Justice and Human Rights met at 11:55 a.m. this day, in Room 705 La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Lorne Nystrom, Pat O'Brien, Andy Scott, Kevin Sorenson and Vic Toews.

Acting Members present: Myron Thompson for Garry Breitkreuz.

In attendance: Library of Parliament: Philip Rosen, Principal.

Witnesses: Office for Victims of Crime: Scott Newark, Vice Chair and Special Counsel. *Beyond Borders, Inc.:* David Matas, Member of the Board of Directors; J.R. Norman Boudreau, Vice-President, Volunteer Executive Board. *Toronto Police Service:* Paul Gillespie, Detective Sergeant.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee resumed consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 12:02 p.m., the sitting was suspended.

At 12:03 p.m., the sitting resumed.

At 12:34 p.m. Chuck Cadman took the Chair.

At 12:34 p.m., the sitting was suspended.

At 1:11 p.m., the sitting resumed.

At 1:45 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/21 3:14 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 68

Wednesday, October 8, 2003

ORDER OF THE DAY:

Study of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

WITNESSES:

"Barreau du Québec":

Carole Brosseau, Counsel, Research and Legislation Service.

Canadian Artists' Representation:

Audrey Churgin, National Director.

Canadian Conference of the Arts:

Frank Addario, Legal Counsel;

Megan Williams, National Director.

As Individual:

Nicholas Bala, Assistant Dean, Faculty of Law, Queen's University.



Français

MINUTES OF PROCEEDINGS

Meeting No. 68

Wednesday, October 8, 2003

The Standing Committee on Justice and Human Rights met at 3:37 p.m. this day, in Room 705 La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Marlene Jennings, Christian Jobin, Derek Lee, John Maloney, Richard Marceau, Inky Mark, John McKay, Lorne Nystrom, Andy Scott, Kevin Sorenson and Vic Toews.

Acting Members present: Wendy Lill for Lorne Nystrom.

In attendance: Library of Parliament: Philip Rosen, Principal.

Witnesses: As Individual: Nicholas Bala, Assistant Dean, Faculty of Law, Queen's University. *Barreau du Québec:* Carole Brosseau, Lawyer, Research and Legislation Service; Denis Mondor, Vice-President. *Canadian Conference of the Arts:* Megan Davis Williams, National Director; Frank Addario, Legal Counsel. *Canadian Artists' Representation:* Audrey Churgin, National Director.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee resumed consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 5:37 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/09 3:48 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 69

Thursday, October 9, 2003

ORDER OF THE DAY:

Study of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

WITNESSES:

British Columbia Civil Liberties Association:

Kirk Tousaw, Policy Director.

Canadian Museums Association:

Marcel Brisebois, Director, "Musée d'art contemporain de Montréal";

John McAvity, Executive Director.

"Union des écrivaines et écrivains québécois":

Charles Montpetit, "responsable du Comité liberté d'expression".

Writers' Union of Canada:

Marian Hebb, Legal Counsel, Creators Copyright Coalition;

Deborah Windsor, Executive Director.



MINUTES OF PROCEEDINGS

Meeting No. 69

Thursday, October 9, 2003

The Standing Committee on Justice and Human Rights met at 9:09 a.m. this day, in Room 705 La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Marlene Jennings, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, Inky Mark, John McKay, Lorne Nystrom, Pat O'Brien, Andy Scott, Kevin Sorenson and Mic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal.

Witnesses: Canadian Museums Associations: John G. McAvity, Executive Director. *Canadian Museums Association:* Marcel Brisebois, Director, Musée d'art contemporain de Montréal. *Writers' Union of Canada:* Marian Hebb, Legal Counsel, Creators Copyright Coalition; Deborah Windsor, Executive Director. *British Columbia Civil Liberties Association:* Kirk Tousaw, Policy Director. *Union des écrivaines et écrivains québécois:* Charles Montpetit, responsable du comité liberté d'expression.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee resumed consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 9:44 a.m., John McKay took the Chair.

At 10:26 a.m., Andy Scott took the Chair.

At 11:04 a.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/09 3:48 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 70

Thursday, October 9, 2003

ORDER OF THE DAY:

Study of the Supplementary Estimates (A) 2003-2004: Votes 1a, 7a, 8a, 35a and 40a under the Solicitor General

APPEARING:

Hon. Wayne Easter, Solicitor General of Canada

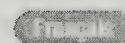
WITNESSES:

Canada Firearms Centre:

William Baker, Commissioner of Firearms.

Royal Canadian Mounted Police:

Garry Loeppky, Deputy Commissioner, Operations.



MINUTES OF PROCEEDINGS

Meeting No. 70

Thursday, October 9, 2003

The Standing Committee on Justice and Human Rights met at 11:12 a.m. this day, in Room 705 La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Marlene Jennings, Christian Jobin, Robert Lanctôt, Derek Lee, Paul Harold Macklin, John Maloney, Inky Mark, John McKay, Lorne Nystrom, Andy Scott and Kevin Sorenson.

Acting Members present: Gérard Binet for Pat O'Brien, Murray Calder for Hedy Fry, Shawn Murphy for Sarmite Bulte and Larry Spencer for Chuck Cadman.

In attendance: Library of Parliament: Philip Rosen, Principal.

Appearing: Hon. Wayne Easter, Solicitor General of Canada.

Witnesses: Department of the Solicitor General: Nicole Jauvin, Deputy Solicitor General. *Royal Canadian Mounted Police:* Garry Loeppky, Deputy Commissioner Operations. *Canada Firearms Centre:* William V. Baker, Commissioner.

Pursuant to Standing Order 81(5), the Committee commenced consideration of the Supplementary Estimates (A) 2003-2004: Votes 1a, 7a, 8a, 35a and 40a under the Solicitor General referred to the Committee on Tuesday, September 23, 2003.

The Minister made a statement and, with the other witnesses, answered questions.

At 12:11 p.m., John McKay took the Chair.

At 12:14 p.m., Andy Scott took the Chair.

At 1:03 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/16 11:58 a.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 71

Tuesday, October 21, 2003

ORDERS OF THE DAY:

Committee business in camera

Study of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

WITNESS:

National Child Exploitation Centre:

Sylvie Bourassa-Muise, Sergeant and Unit Manager.



MINUTES OF PROCEEDINGS

Meeting No. 71

Tuesday, October 21, 2003

The Standing Committee on Justice and Human Rights met *in camera* at 10:02 a.m. this day, in Room 705 La Promenade Building, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, Richard Marceau, Inky Mark, John McKay, Lorne Nystrom, Andy Scott, Kevin Sorenson and Vic Toews.

Acting Members present: Charles Hubbard for John McKay, Grant McNally for Chuck Cadman, Beth Phinney for Pat O'Brien and Alan Tonks for Sarmite Bulte.

In attendance: Library of Parliament: Philip Rosen, Principal.

Witnesses: National Child Exploitation Centre: Sylvie Bourassa-Muise, Sargeant, Unit manager.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee resumed consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witness made a statement and answered questions.

At 10:59 a.m., Andy Scott took the Chair.

At 12:00 p.m., the sitting was suspended.

At 12:03 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the questions and answers following the statement from the witness be made public.

It was agreed, — That the proposed operational budget of the Committee for its study of Bill C-46 in the amount of \$13,000 be adopted and that the Chair present the said budget to the Subcommittee of the Liaison Committee.

It was agreed, — That the proposed budgets of the Subcommittee on Solicitation Laws in the amount of \$402,596.15 be adopted and that the Chair present the said budgets to the Budget Subcommittee of the Liaison Committee.

It was agreed, — That the Justice Minister of Taiwan be invited to meet with the Members of the Committee at 9:00 o'clock a.m. on Tuesday, October 28, 2003.

It was agreed, — That the clause-by-clause study of Bill C-23 take place on the week of October 27, 2003 starting on Tuesday, October 28, 2003 and be followed by the clause-by-clause study of Bills C-45 and C-46.

At 12:52 p.m., the sitting was suspended.

At 12:54 p.m., the sitting resumed in public.

Garry Breitkreuz moved, — That the Committee review the proposed Firearms Act Regulations currently tabled before both Houses of Parliament before the expiration of the thirty sitting days deadline as per section 118(4).

Marlene Jennings moved, — That the motion be amended by replacing the words “review the proposed Firearms Act Regulations currently tabled before both Houses of Parliament before the expiration of the thirty sitting days deadline as per section 118(4).” by “invite the Officials from the Solicitor General Office to give a briefing on the proposed Firearms Act Regulations on Thursday, October 23, 2003.”.

After debate, the question was put on the motion, as amended, and it was agreed to.

Garry Breitkreuz moved, — That the Committee examine the reasons why the government has refused to implement the Privacy Commissioner's recommendations with respect to the Firearms Interest Police (FIP) database.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 7; NAYS: 6.

At 1:14 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/28 4:28 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 72

Wednesday, October 22, 2003

ORDERS OF THE DAY:

Study of Bill C-45, An Act to amend the Criminal Code (criminal liability of organizations)

Reprinting of Bill C-45, as amended, for the use of the House of Commons

Report by the Chair of Bill C-45, as amended, to the House of Commons

Study of Bill C-46, An act to amend the Criminal Code (capital markets fraud and evidence-gathering)

WITNESSES:

Department of Justice:

Lucie Angers, Senior Counsel, Criminal Law Policy Section;

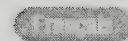
William Bartlett, Senior Counsel, Criminal Law Policy Section;

Joanne Klineberg, Counsel, Criminal Law Policy Section;

Richard Mosley, Assistant Deputy Minister, Criminal Law Policy Section;

Donald Piragoff, Senior General Counsel, Criminal Law Policy Section;

Greg Yost, Counsel, Criminal Law Policy Section.



MINUTES OF PROCEEDINGS

Meeting No. 72

Wednesday, October 22, 2003

The Standing Committee on Justice and Human Rights met at 3:36 p.m. this day, in Room 705 La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Sarmite Bulte, Chuck Cadman, Hedy Fry, Marlene Jennings, Christian Jobin, Paul Harold Macklin, John Maloney, Richard Marceau, Inky Mark, John McKay, Lorne Nystrom, Andy Scott, Kevin Sorenson and Vic Toews.

Acting Members present: Rodger Cuzner for Pat O'Brien.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Joann Garbig, Committee Clerk.

Witnesses: Department of Justice: Richard G. Mosley, Assistant Deputy Minister, Criminal Law Policy Section; Donald Piragoff, Senior General Counsel, Criminal Law Policy Section; Greg Yost, Counsel, Criminal Law Policy Section; Joanne Klienbergh, Counsel, Criminal Law Policy Section; William C. Bartlett, Senior Counsel, Criminal Law Policy Section; Lucie Angers, Senior Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Friday, September 19, 2003, the Committee commenced consideration of Bill C-45, An Act to amend the Criminal Code (criminal liability of organizations).

Mr. Piragoff made a statement and, with the other witnesses, answered questions.

At 4:04 p.m., the sitting was suspended.

At 4:44 p.m., the sitting resumed.

The Committee commenced its clause-by-clause study of the Bill.

Paul Harold Macklin moved, — That Bill C-45, in Clause 1, be amended by adding after line 20 on page 1 the following:

« "representative", in respect of an organization, means a director, partner, employee, member, agent or contractor of the organization;

"senior officer" means a representative who plays an important role in the establishment of an organization's policies or is responsible for managing an important aspect of the organization's activities and, in the case of a body corporate, includes a director, its chief executive officer and its chief financial officer; »

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 1, as amended, carried.

Paul Harold Macklin moved, — That Bill C-45, in Clause 2, be amended(a) by replacing lines 1 to 15 on page 2 with the following:

« **22.1** In respect of an offence that requires »

(b) replacing line 36 on page 2 with the following:

22.2 In respect of an offence that requires

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 2, as amended, carried.

Clause 3 carried.

Paul Harold Macklin moved, — That Bill C-45, in Clause 4, be amended by replacing line 20 on page 3 with the following:

“(e) by the representatives of”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 4, as amended, carried.

Clause 5 carried.

Clause 6 carried.

Paul Harold Macklin moved, — That Bill C-45 be amended by adding after line 3 on page 4 the following:

“6.1 The portion of subsection 418(2) of the Act before paragraph (a) is replaced by the following

(2) Every one who, being a representative of an organization that commits, by fraud, an offence under subsection (1),”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 6.1, as amended, carried.

Clause 7 carried.

Clause 8 carried.

Clause 9 carried.

Clause 10 carried.

Clause 11 carried.

Clause 12 carried.

Paul Harold Macklin moved, — That Bill C-45, in Clause 13, be amended by replacing line 17 on page 6 with the following:

“the manager, secretary or other senior”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 13, as amended, carried.

Clause 14 was negatived.

Clauses 15 to 24 inclusive carried severally.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That Bill C-45, as amended, be reprinted for the use of the House at report stage.

ORDERED, — That the Chair report the Bill, as amended, to the House.

Pursuant to the Order of Reference of Wednesday, October 8, 2003, the Committee commenced consideration of Bill C-46, An Act to amend the Criminal Code (capital markets fraud and evidence-gathering).

Mr. Bartlett made a statement and, with the other witnesses, answered questions.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/24 1:04 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 73

Thursday, October 23, 2003

ORDER OF THE DAY:

Study of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

WITNESSES:

Canadian Broadcasting Corporation:

Edith Cody-Rice, Senior Legal Counsel.

Canadian Justice Review Board:

Lynne Cohen, Secretary;

Dave Nichol, Administrative Officer.

Centre for Children and Families in the Justice System:

Pamela Hurley, Director, Child Witness Project.

Federation of Canadian Naturists:

Stéphane Deschênes, President;

Judy Williams, Government Affairs Officer.



MINUTES OF PROCEEDINGS

Meeting No. 73

Thursday, October 23, 2003

The Standing Committee on Justice and Human Rights met at 9:12 a.m. this day, in Room 705 La Promenade Building, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Sarmite Bulte, Chuck Cadman, Marlene Jennings, Paul Harold Macklin, Richard Marceau, John McKay, Lorne Nystrom and Vic Toews.

In attendance: Library of Parliament: Philip Rosen, Principal.

Witnesses: Canadian Broadcasting Corporation: Edith Cody-Rice, Senior Legal Counsel. *Canadian Justice Review Board:* Lynne Cohen, Secretary; Dave Nichol, Administrative Officer. *The Federation of Canadian Naturists:* Judy Emily Williams, Government Affairs Officer; Stephane Deschênes, President. *Centre for Children and Families in the Justice System:* Pamela Hurley, Director, Child Witness Project.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee resumed consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 10:20 a.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/28 4:29 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 74

Thursday, October 23, 2003

ORDER OF THE DAY:

Study of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

WITNESSES:

Canadian Bar Association:

Heather Perkins-McVey, Past Chair, National Criminal Justice Section;

Tamra Thomson, Director, Legislation and Law Reform.

Canadian Professional Police Association:

Tony Cannavino, President;

David Griffin, Executive Officer.

Canadian Resource Centre for Victims of Crime:

Steve Sullivan, President.

International Centre to Combat Exploitation of Children:

Cherry Kingsley, Special Advisor.



MINUTES OF PROCEEDINGS

Meeting No. 74

Thursday, October 23, 2003

The Standing Committee on Justice and Human Rights met at 11:01 a.m. this day, in Room 705, La Promenade Building, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Garry Breitkreuz, Sarmite Bulte, Chuck Cadman, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay and Vic Toews.

Acting Members present: Judi Longfield for Andy Scott and Tony Tirabassi for Hedy Fry.

In attendance: Library of Parliament: Philip Rosen, Principal.

Witnesses: Canadian Professional Police Association: Tony Cannavino, President; David Griffin, Executive Officer. *Canadian Bar Association:* Heather Perkins-McVey, Past Chair, National Criminal Justice Section; Tamra L. Thomson, Director, Legislation and Law Reform. *International Centre to Combat Exploitation of Children:* Cherry Hingsley, Special Advisor. *Canadian Resource Centre for Victims of Crime:* Steve Sullivan, President.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee resumed consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses made statements and answered questions.

At 12:46 p.m., the sitting was suspended.

At 12:51 p.m., the sitting resumed.

Garry Breitkreuz moved, — That the Supplementary Estimates (A), 2003-2004, vote 7(a) for the Solicitor General - Canadian Firearm Centre in the amount of \$10,000,000 under new appropriations be reduced to \$1.

After debate, the question was put on the motion and it was negatived on the following recorded division: YEAS: Garry Breitkreuz, Chuck Cadman, Vic Toews — 3; NAYS: Sarmite Bulte, Marlene Jennings, Christian Jobin, Derek Lee, Judi Longfield, Paul Harold Macklin, John Maloney, Richard Marceau, Tony Tirabassi — 9.

At 12:58 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/28 4:29 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 75

Thursday, October 23, 2003

ORDER OF THE DAY:

Consideration of the Draft Firearms Regulations

WITNESSES:

Canada Firearms Centre:

William Baker, Commissioner of Firearms;

Al Goodall, Registrar of Firearms, Canada Firearms Centre;

Kathleen Roussel, Senior Counsel, Head, Legal Services.



MINUTES OF PROCEEDINGS

Meeting No. 75

Thursday, October 23, 2003

The Standing Committee on Justice and Human Rights met at 3:38 p.m. this day, in Room 371 West Block, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Garry Breitkreuz, Sarmite Bulte, Chuck Cadman, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Inky Mark, John McKay and Vic Toews.

Acting Members present: Yvan Loubier for Robert Lanctôt.

In attendance: Library of Parliament: Philip Rosen, Principal; Gérald Lafrenière, Analyst.

Witnesses: Canada Firearms Centre: William V. Baker, Commissioner of Firearms; Al Goodall, Registrar of Firearms; Kathleen Roussel, Senior Counsel, Head, Legal Services.

Pursuant to Standing Order 32(5), the Committee commenced consideration of the Draft Firearms Regulations, referred to the Committee on Friday, June 13, 2003.

Mr. Baker made a statement and, with the other witnesses, answered questions.

At 3:55 p.m., Mr. Cadman took the Chair.

At 3:59 p.m., Mr. McKay took the Chair.

At 5:33 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/28 4:30 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 76

Tuesday, October 28, 2003

ORDERS OF THE DAY:

Special Invitation from Taiwan

Study of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

Study of Bill C-46, An act to amend the Criminal Code (capital markets fraud and evidence-gathering)

WITNESSES:

Department of Justice:

William Bartlett, Senior Counsel, Criminal Law Policy Section;

Douglas Hoover, Counsel, Criminal Law Policy Section;

Joanne Klineberg, Counsel, Criminal Law Policy Section.

Department of the Solicitor General:

Mary Campbell, Acting Director General, Corrections and Criminal Justice Directorate;

Clifford Yumansky, Senior Policy Advisor, Corrections Policy Division.

Taipei Economic and Cultural Office, Canada:

Thomas T.P. Chen, Representative.

Taiwan:

Hon. Ding-Nan Chen, Minister of Justice.



MINUTES OF PROCEEDINGS

Meeting No. 76

Tuesday, October 28, 2003

The Standing Committee on Justice and Human Rights met at 9:06 a.m. this day, in Room 705 La Promenade Building, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Chuck Cadman, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Inky Mark, John McKay, Lorne Nystrom, Pat O'Brien, Andy Scott, Kevin Sorenson and Vic Toews.

Acting Members present: Jocelyne Girard-Bujold for Robert Lanctôt and Randy White for Garry Breitkreuz.

Attendance: *Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Joann Farbig, Legislative Clerk; Jeffrey LeBlanc, Legislative Clerk.

By Special Invitation, the Committee met with the Honourable Ding-Nan Chen, Minister of Justice from Taiwan and Thomas T.P. Chen, Representative, Taipei Economic and Cultural Office, Canada.

Witnesses: *Department of the Solicitor General:* Mary E. Campbell, Acting Director General, Corrections and Criminal Justice Directorate; Clifford Yumansky, Senior Policy Advisor, Corrections Policy Division. *Department of Justice:* Douglas Hoover, Counsel, Criminal Law Policy Section; William C. Bartlett, Senior Counsel, Criminal Law Policy Section; Joanne Klineberg, Counsel, Criminal Law Policy Section.

At 9:30 a.m., the sitting was suspended.

At 9:37 a.m., the sitting resumed.

Andy Scott took the Chair.

Pursuant to the Order of Reference of Tuesday, April 8, 2003, the Committee resumed consideration of Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 2, be amended(a) by replacing line 18 on page 1 with the following:

(b) the collection and registration of accu-”

b) by replacing, in the French version, line 23 on page 1 with the following:

c) le respect de la vie privée des délinquants sexuels et”

c) by replacing lines 28 and 29 on page 1 with the following:

crimes that there are reasonable grounds to suspect are of a sexual nature, and”
Clause 2, as amended, carried on division.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 3, be amended(a) by deleting lines 5 and 6 on page 2;

(b) by replacing lines 8 to 17 on page 2 with the following:

“tains the information that is registered under this Act.

“information” includes characteristics recorded and photographs taken under subsection 5(3) and fingerprints taken under subsection 9(2).

“main residence” means the place in Canada where a person lives most often or, if there is no such place, the place in Canada where they may be found most often.”

(c) by replacing line 26 on page 2 and lines 1 to 5 on page 3 with the following:

“Ontario Act” has the same meaning as in subsection 490.011(1) of the *Criminal Code* .

“order” means an order under section 490.012 of the *Criminal Code* .

“person who collects information” means a person who is authorized under paragraph 18(1)(b) or subsection 19(1) collect information.

“person who registers information” means a person who is authorized under paragraph 18(1)(c) or subsection 19(1) register information.

“registration centre” means a place that is designated as a registration centre under paragraph 18(1)(d) or subsection 19(1).”

(d) by replacing, in the English version, line 8 on page 3 with the following:

“ into with an individual, or with their em-”

(e) by replacing lines 11 to 13 on page 3 with the following:

“secondary residence” means a place in Canada, other than a main residence, where a person regularly lives.”

(f) by replacing line 15 on page 3 with the following:

“ject to one or more orders or to an obligation under section 490.019 of the *Criminal Code* .”

(g) by replacing, in the French version, line 21 on page 3 with the following:

“nature sexuelle ou qu'une personne commet avec l'intention”
Clause 3, as amended, carried on division.

At 10:01 a.m., John McKay took the Chair.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 4, be amended(a) by replacing line 23 on page 3 and lines 1 to 16 on page 4 with the following:

4. (1) A sex offender shall report, for the first time under this Act, in person to the registration centre that serves the area in which their main residence is located.

2) A person who is subject to an order shall report within 15 days after

a) the order is made, if they are convicted of the offence in connection with which the order is made but are not given a custodial sentence;

b) they receive an absolute or conditional discharge under Part XX.1 of the *Criminal Code* , if they are found not criminally responsible on account of mental disorder for the offence in connection with which the order is made;

c) they are released from custody pending the determination of an appeal relating to the offence in connection with which the order is made; or

d) they are released from custody after serving the custodial portion of a sentence for the offence in connection with which the order is made.

3) A person who is subject to an obligation under section 490.019 of the *Criminal Code* shall report,

a) if they are not in custody on the day on which they become subject to the obligation, within 15 days after that day; or

b) in any other case, within 15 days after

i) they receive an absolute or conditional discharge under Part XX.1 of the *Criminal Code* ,

ii) they are released from custody pending the determination of an appeal, or

iii) they are released from custody after serving the custodial portion of a sentence.

4) A sex offender shall not leave Canada before they report under this section.

5.1 A sex offender shall subsequently report to the registration centre that serves the area in which their main residence is located in person or in accordance with regulations made under paragraph 18(1)(a) or subsection 19(1),

a) within 15 days after they change their main residence or any secondary residence;”

b) by replacing lines 21 to 31 on page 4 with the following:

centre under this Act.

5.2 (1) If a person who is subject to an obligation under section 490.019 of the *Criminal Code* becomes subject to an order, they shall report on the reporting dates established under the order only.

(2) A person who is subject to more than one order shall report on the reporting dates established under the most recent order only.

5.3 A sex offender who is outside Canada when they are required to report under section 4.1 shall report not later than 15 days after they return to Canada.”

Clause 4, as amended, carried on division.

At 10:11 a.m., Andy Scott took the Chair.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 5, be amended(a) by replacing in the English version, line 32 on page 4 with the following:

“ 5. (1) When a sex offender reports to a”

(b) by replacing, in the English version, lines 36 and 37 on page 4 with the following:

“(a) their given name and surname, and every alias that they use;”

(c) by replacing line 39 on page 4 and lines 1 to 7 on page 5 with the following:

“(c) the address of their main residence and every secondary residence or, if there is no such address, the location of that place;

(d) the address of every place at which they are employed or retained, or are engaged on a volunteer basis or, if there is no such address, the location of that place;

(e) the address of every educational institution at which they are enrolled or, if there is no such address, the location of that place;

(f) a telephone number at which they may be reached, if any, for every place referred to in paragraphs (c) and (d), and the number of every mobile telephone or pager in their possession; and

(g) their height and weight and a description of every physical distinguishing mark that they have.”

(d) by replacing lines 11 to 15 on page 5 with the following:

“them when and where they were convicted of, or found not criminally responsible on account of mental disorder for, an offence in connection with which an order was made or, if they are subject to an obligation under section 490.019 of the *Criminal Code* , a designated offence within the meaning of subsection 490.011(1) of that Act.

(3) When a sex offender reports to a registration centre in person, the person who collects the information referred to in subsection (1) may record any observable characteristic that may assist in identification of the sex offender, including their eye colour and hair colour, and may require that their photograph be taken.”

Randy White moved, — That Bill C-23, in Clause 5, be amended by adding after line 7 on page 5 the following:

“(1.1) When a sex offender reports to the registration centre under paragraph 4(2)(c), they shall provide to a person who collects information at the registration centre a photograph that:

(a) was taken not more than one month before the offender's report to the registration centre; and

(b) shows a full front view of the offender's head and shoulders and has a white background.

By unanimous consent, the amendment was withdrawn.

Clause 5, as amended, carried on division.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 6, be amended(a) by replacing lines 18 to 20 on page 5 with the following:

centre that serves the area in which their main residence is located

a) of every address or location at which they stay or intend to stay, and of”

b) by replacing lines 22 to 26 on page 5 with the following:

from, and return to, their main residence or a secondary residence, not later than 15 days after departure if they are in Canada but are absent from their main residence and every secondary residence for a period of at least 15”

c) by replacing lines 29 and 30 on page 5 with the following:

departure from their main residence or a secondary residence, not later than 15 days after”

d) by replacing, in the English version, lines 33 and 34 on page 5 with the following:

(c) of their actual return to their main residence or a secondary residence after a departure”

e) by replacing lines 37 to 41 on page 5 with the following:

are required to report under section 4.1 or 4.3 within that period.

2) Notification shall be by registered mail or in accordance with regulations made under paragraph 18(1)(a) or subsection 19(1), but a sex”
Clause 6, as amended, carried.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 7, be amended by replacing lines 4 and 5 on page 6 with the following:

report to a registration centre and when information is collected.”
Clause 7, as amended, carried on division.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 8, be amended(a) by replacing lines 6 to 21 on page 6 with the following:

8. (1) When a police service receives a copy of an order sent in accordance with subparagraph 490.018(1)(d)(iii) of the *Criminal Code* , a person who registers information for the police service shall

a) register without delay in the database only the name of the police service and the following information relating to the person who is subject to the order:

i) their given name and surname,

ii) the number that identifies a record of fingerprints collected from them under the *Identification of Criminals Act* , if such a record exists,

iii) every offence to which the order relates,

iv) when and where the offence or offences were committed,

v) when and where the person was convicted of, or found not criminally responsible on account of mental disorder for, the offence or offences,

- (vi) the age and gender of every victim of the offence or offences, and the victim's relationship to the person,
- (vii) the date and duration of the order, and
- (viii) the court that made the order; and”

(b) by adding after line 25 on page 6 the following:

“(2) When the Attorney General of a province or minister of justice of a territory receives a copy of an affidavit of service and notice sent in accordance with subsection 490.021(6) of the *Criminal Code*, the Attorney General or minister of justice shall

(a) register without delay in the database only the following information relating to the person who was served with the notice:

- (i) their given name and surname,
 - (ii) the number that identifies a record of fingerprints collected from them under the *Identification of Criminals Act*, if such a record exists,
 - (iii) the date on which the notice was served,
 - (iv) every offence referred to in the notice,
 - (v) when and where the offence or offences were committed,
 - (vi) when and where the person was convicted of, or found not criminally responsible on account of mental disorder for, the offence or offences,
 - (vii) the age and gender of every victim of the offence or offences, and the victim's relationship to the person,
 - (viii) the expected duration of the person's obligation under section 490.019 of the *Criminal Code*, and
 - (ix) in the case of a person referred to in paragraph 490.02(1)(b) of the *Criminal Code*, the date, if any, on which the person last reported under the Ontario Act and the duration of their obligation to comply with section 3 of that Act;
- (b) ensure that the registration of the information is done in a manner and in circumstances that ensure its confidentiality; and
- (c) send the person a copy of all of the information relating to them that is registered in the database, by registered mail, free of charge and without delay.”

Clause 8, as amended, carried on division.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 9, be amended(a) by replacing lines 31 to 35 on page 6 with the following:

“(a) the nature of their obligations under sections 4 to 6 and of the information that may be collected under sections 5 and 6; and”

(b) by replacing line 38 on page 6 with the following:

“(2) If a person who collects information has reasonable grounds to suspect that a person who is reporting to the registration centre as a sex offender under this Act is not the sex offender and no other proof of identity is satisfactory in the circumstances, they may take fingerprints from the person in order to confirm their identity.

“(3) Despite any other Act of Parliament, if the fingerprints provided under subsection (2) confirm that the person who is reporting is the sex offender, they shall not be disclosed, or used for any other purpose, and shall be destroyed without delay.

“(4) The person who collects information”

(c) by replacing, in the French version, lines 1 to 4 on page 7 with the following:

“ b) à ce que la fourniture et la collecte des renseignements soient effectuées d'une manière et dans des circonstances garantissant la confidentialité de ceux-ci.”

Clause 9, as amended, carried on division.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 10, be amended by replacing lines 4 to 9 on page 7 with the following:

“ 10. A person who registers information collected at a registration centre

(a) shall, subject to paragraph (b) and any regulations made under paragraph 19(3)(c), register without delay, in the database, only the information collected under sections 5 and 6;

(b) may register at any time, in the database, the number that identifies a record of fingerprints collected from a sex offender under the *Identification of Criminals Act* , if such a record exists; and

(c) shall ensure that the registration of the”

Clause 10, as amended, carried.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 11, be amended(a) by replacing, in the English version, line 13 on page 7 with the following:

“ 11. A person who collects information at a”

(b) by replacing lines 16 to 32 on page 7 with the following:

“collected under section 5, dated and signed by the person who collected it, to the sex offender when they report to the registration centre in person and provide information under this Act, or send it to the sex offender by mail or another means agreed to by the sex offender, without delay after it is collected, if they report in accordance with regulations made under paragraph 18(1)(a) or subsection 19(1);

(b) send the sex offender a copy of the information collected under section 6, dated and signed by the person who collected it, by mail or another means agreed to by the sex offender, without delay after it is collected;”

(c) by replacing, in the French version, line 37 on page 7 with the following:

“ copie de tous les rense-

(d) by replacing, in the French version, lines 43 and 44 on page 7 with the following:

” convenu avec lui, une copie de tous les renseignements le concer-”

Clause 11, as amended, carried.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 12, be amended(a) by replacing lines 1 to 6 on page 8 with the following:

“ 12. (1) A sex offender or a person served with a notice under section 490.021 of the *Criminal Code* may, at any time, ask a person who collects information at the registration centre that serves the area in which their main residence is located to correct any information relating to them that is registered in the database that they believe contains an error or”

(b) by replacing, in the English version, line 8 on page 8 with the following:

“(2) The person who collects information shall, without delay, ensure”

(c) by replacing line 13 on page 8 with the following:

“(b) a notation is attached to the information in”

Clause 12, as amended, carried.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 13, be amended by replacing lines 16 to 24 on page 8 with the following:

“ 13. The Commissioner of the Royal Canadian Mounted Police may authorize a person to consult information that is registered in the database for research or statistical purposes if the Commissioner

(a) is satisfied that those purposes cannot reasonably be accomplished without consulting that information; and

(b) obtains from the person a written undertaking that no subsequent disclosure of that information”

Clause 13, as amended, carried.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 14, be amended by replacing lines 28 to 30 on page 8 with the following:

“ 14. The database is to be maintained by the Royal Canadian”

Clause 14, as amended, carried.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 15, be amended(a) by replacing lines 32 and 33 on page 8 with the following:

“ 15. (1) Subject to subsections (2) and (3) and regulations made under paragraphs 19(3)(b) and (d),”

(b) by replacing lines 1 to 13 on page 9 with the following:

“(2) Despite any other Act of Parliament, if a person who is subject to an order is finally acquitted of every offence in connection with which the order was made, or receives a free pardon granted under Her Majesty's royal prerogative of mercy or section 748 of the *Criminal Code* for every such offence, all information that is collected under this Act or registered in the database in connection with that order shall be destroyed, or permanently removed from the database, in accordance with regulations made under paragraph 19(3)(d).

(3) Despite any other Act of Parliament, all information that is collected under this Act, or registered in the database, in connection with an obligation under section 490.019 of the *Criminal Code* shall be destroyed, or permanently removed

from the database, in accordance with regulations made under paragraph 19(3)(d) and with any court order made under subsection 490.023(4) or 490.024(2) of that Act, if the person who is subject to the obligation

(a) is finally acquitted of every offence to which the obligation relates or receives a free pardon granted under Her Majesty's royal prerogative of mercy or section 748 of that Act for every such offence; or

(b) is granted an exemption order under subsection 490.023(2) of that Act or on an appeal from a decision made under that subsection."

Lorne Nystrom moved, — That Bill C-23, in Clause 15, be amended by adding after line 9 on page 9 the following:

"(2.1) The Commissioner shall inform a sex offender of their eligibility to have all the information referred in subsection (2) permanently removed from the database."

By unanimous consent, the amendment was withdrawn.

Clause 15, as amended, carried.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 16, be amended(a) by replacing lines 16 and 17 on page 9 with the following:

"they are not authorized under this Act to exercise or perform.

(2) No person shall consult any information that is collected under this Act or registered in the database,"

(b) by replacing lines 20 to 26 on page 9 with the following:

"retained by, a police service who consults the information for the purpose of investigating a specific crime that there are reasonable grounds to suspect is of a sexual nature;

(b) a person who collects information at the registration centre at which a sex offender last reported who consults the information in order to ensure compliance by the sex offender with an order or orders or with section 490.019 of the *Criminal Code* ;

(c) a person who collects or registers information and who consults the information"

(c) by replacing lines 29 and 30 on page 9 with the following:

" (d) a person who is authorized under section 13 to consult information that is registered in the database for research or statistical"

(d) by replacing lines 33 to 41 on page 9 with the following:

" (e) the Commissioner of the Royal Canadian Mounted Police or a person authorized by the Commissioner who consults information that is collected under this Act or registered in the database in order to perform the duties of the Commissioner under this Act; or

(f) a member or employee of, or a person retained by, the Royal Canadian Mounted Police who is authorized to consult the information in order to maintain the database and who does so for that purpose."

(e) by replacing line 43 on page 9 with the following:

"that is collected under this Act or registered in the database with any other data"

(f) by replacing lines 2 to 6 on page 10 with the following:

“ gating a specific crime that there are reasonable grounds to suspect is of a sexual nature, and the resulting matched data is used for the purpose of that investigation”

(g) by replacing line 9 on page 10 with the following:

“ 13 to consult information that is registered in the database, and the resulting matched data is made anony-”

(h) by replacing lines 11 to 20 on page 10 with the following:

“(4) No person shall disclose any information that is collected under this Act or registered in the database or the fact that information relating to a person is collected under this Act or registered in the database, or allow it to be disclosed

(a) except to the sex offender, or the person who was served with a notice under section 490.019 of the *Criminal Code* , to whom the information relates;

(b) except to a person referred to in any of paragraphs (2)(a) to (f), if the disclosure to them is”

(i) by replacing, in the English version, line 24 on page 10 with the following:

“ (c) except to a member or employee of, or a person”

(j) by replacing lines 28 to 33 on page 10 with the following:

“orders or with section 490.019 of the *Criminal Code* ;

(d) except to a person or court referred to in any of paragraphs 490.03(1)(a) to (c) and (2)(a) to (c) of the *Criminal Code* , in accordance with that paragraph;

(e) except to a person to whom the disclosure is necessary for a prosecution for an offence under section 17 or under section 490.031 of the *Criminal Code* or an appeal from a decision made in such a proceeding, and to a court in connection with the prosecution or appeal, if the information is relevant to that proceeding;

(f) except to a person to whom the disclosure is”

(k) by replacing line 38 on page 10 with the following:

“omission was committed; or

(g) unless the person is authorized under section 13 to consult information that is registered in the database, the information is disclosed for research or statistical purposes, and the disclosure is not made, or allowed to be made, in form that could reasonably be expected to identify any individual to whom it relates.”

(l) by replacing lines 40 to 42 on page 10 with the following:

“that is collected under this Act or registered in the database, or allow it to be used, for a purpose other than those referred to in paragraphs (2)(a) to (f) and (4)(c) to (g).”

Clause 16, as amended, carried on division.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 17, be amended(a) by replacing, in the

French version, lines 2 and 3 on page 11 with the following:

‘déclaration fausse ou trompeuse dans le cadre des paragraphes’

(b) by replacing, in the English version, line 8 on page 11 with the following:

‘not more than six months, or to both; and’

Clause 17, as amended, carried.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 18, be amended by replacing lines 25 to 35 on page 11 with the following:

‘ 18. (1) The lieutenant governor in council of a province may, for the purposes of this Act, make regulations

(a) respecting the means by which classes of persons designated by the lieutenant governor in council of the province are required to report under section 4.1 or 4.3 or provide notification under section 6;

(b) authorizing persons or classes of persons in the province to collect information;

(c) authorizing persons or classes of persons in the province to register information; and

(d) designating places or classes of places in the province as registration centres, and the area of the province served by each registration centre.

(2) Subject to subsection (3), the lieutenant governor in council of a province may, by regulation, exercise the power of the Governor in Council with respect to any matter referred to in paragraph 19(3)(a) if the Governor in Council does not make a regulation with respect to that matter that applies in the province.

(3) A regulation made with respect to a matter by the lieutenant governor in council of a province under subsection (2) ceases to apply if the Governor in Council makes a regulation with respect to that matter that applies in the province.”
Clause 18, as amended, carried.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 19, be amended(a) by replacing lines 4 to 11 on page 12 with the following:

‘in council of a province under any of paragraphs 18(1)(a) to (d) if the lieutenant governor in council of the province does not make a regulation under that paragraph.

(2) A regulation made by the Governor in Council under subsection (1) in the exercise of a power under any of paragraphs 18(1)(a) to (d) ceases to apply in a province if the lieutenant governor in council of the province makes a regulation under that paragraph.”

(b) by replacing lines 14 to 16 on page 12 with the following:

“(a) respecting the recording, the retention and maintenance, and the protection of information collected under this Act;

(b) respecting the retention and maintenance, and the protection of information that is registered in the database;

(c) respecting the registration of photographs taken under subsection 5(3);

(*d*) respecting the destruction of information under subsections 9(3) and 15(2) and (3) and the permanent removal of information from the database; and

(*e*) generally for carrying out the purposes”
Clause 19, as amended, carried.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 20, be amended(a) by replacing lines 19 to 22 on page 12 with the following:

“ **adding the following after section 490.01:**

490.011 (1) The following definitions apply in this section and in sections 490.012 to 490.032.

“crime of a sexual nature” means a crime referred to in subsection 3(2) of the *Sex Offender Information Registration Act* .

“database” has the same meaning as in subsection 3(1) of the *Sex Offender Information Registration Act* .”

(b) by replacing, in the English version, line 30 on page 13 with the following:

“ (xx) subsection 273.3(2) (removal of a”

(c) by replacing lines 30 to 32 on page 14 with the following:

“ male), and

(v) subsection 246(1) (assault with”

(d) by replacing lines 1 to 14 on page 15 with the following:

“(iii) section 153 (sexual intercourse with step-daughter),

(iv) section 157 (gross indecency),

(v) section 166 (parent or guardian procuring defilement), and

(vi) section 167 (householder permitting defilement);

(*e*) an attempt or conspiracy to commit an offence referred to in any of paragraphs (*a*), (*c*) and (*d*); or

(*f*) an attempt or conspiracy to commit an offence”

(e) by replacing lines 16 to 19 on page 15 with the following:

““Ontario Act” means Christopher's Law (Sex Offender Registry), 2000, S.O. 2000, c. 1.”

(f) by replacing line 28 on page 15 and lines 1 to 19 on page 16 with the following:

“Review Board” means the Review Board established or designated for a province under subsection 672.38(1).

“verdict of not criminally responsible on account of mental disorder” has the same meaning as in section 672.1.

(2) For the purpose of this section and sections 490.012 to 490.032, a person who is convicted of, or found not criminally responsible on account of mental disorder for, a designated offence does not include a young person

(a) within the meaning of subsection 2(1) of the *Youth Criminal Justice Act* unless they are given an adult sentence within the meaning of that subsection for the offence; or

(b) within the meaning of subsection 2(1) of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, unless they are convicted of the offence in ordinary court within the meaning of that subsection.

490.012 (1) A court shall, on application of the prosecutor, make an order in Form 52 requiring a person to comply with the *Sex Offender Information Registration Act* for the applicable period specified in subsection 490.013(2), (3) or (4) as soon as possible after it imposes a sentence on the person for an offence referred to in paragraph (a), (c), (d) or (e) of the definition “designated offence” in subsection 490.011(1), or renders a verdict of not criminally responsible on account of mental disorder for such an offence.”

(g) by replacing line 22 on page 16 and lines 1 to 7 on page 17 with the following:

“ing a person to comply with the *Sex Offender Information Registration Act* for the applicable period specified in subsection 490.013(2), (3) or (4) as soon as possible after it imposes a sentence on the person for an offence referred to in paragraph (b) or (f) of the definition “designated offence” in subsection 490.011(1), if the prosecutor establishes beyond a reasonable doubt that the person committed the offence with the intent to commit an offence referred to in paragraph (a), (c), (d) or (e) of that definition.”

(h) by replacing lines 11 to 28 on page 17 with the following:

“be made under subsection (1) or (2) to comply with the *Sex Offender Information Registration Act* for the applicable period specified in subsection 490.013(5), as soon as possible after it imposes a sentence on the person for a designated offence or renders a verdict of not criminally responsible on account of mental disorder for such an offence, if the prosecutor establishes that

(a) the person was, before or after the coming into force of that Act, previously convicted of, or found not criminally responsible on account of mental disorder for, an offence referred to in paragraph (a), (c), (d) or (e) of the definition “designated offence” in subsection 490.011(1);

(b) the person is not, and was not at any time, subject to an obligation under section 490.019; and

(c) no order was made under subsection (1) in connection with the previous offence.”

(i) by replacing line 38 on page 17 and lines 1 to 21 on page 20 with the following:

“offenders under the *Sex Offender Information Registration Act* .

(5) The court shall give reasons for its decision.

490.013 (1) An order made under section 490.012 begins on the day on which it is made.

(2) An order made under subsection 490.012(1) or (2)

(a) ends 10 years after it was made if the offence in connection with which it was made was prosecuted summarily or is an offence for which the maximum term of imprisonment is two or five years;

(*b*) ends 20 years after it was made if the offence in connection with which it was made is one for which the maximum term of imprisonment is 10 or 14 years; and

(*c*) applies to the person for life if the offence in connection with which it was made is one for which the maximum term of imprisonment is life.

(3) An order made under subsection 490.012(1) or (2) applies to a person for life if they are, or were at any time, subject to an obligation under section 490.019.

(4) An order made under subsection 490.012(1) or (2) applies to a person for life if they are, or were at any time, subject to an order made previously under either of those subsections.

(5) An order made under subsection 490.012(3) applies to a person for life.

490.014 The prosecutor, or a person who is subject to an order under section 490.012, may appeal from a decision of the court under that section on any ground of appeal that raises a question of law or of mixed law and fact. The appeal court may dismiss the appeal, or allow it and order a new hearing, quash the order or make an order that may be made under that section.

490.015 (1) A person who is subject to an order may apply for a termination order

(*a*) not earlier than five years after the order was made, in the case of an order that is applicable for 10 years under paragraph 490.013(2)(*a*);

(*b*) not earlier than 10 years after the order was made, in the case of an order that is applicable for 20 years under paragraph 490.013(2)(*b*);

(*c*) not earlier than 20 years after the order was made, in the case of an order that is applicable for life under paragraph 490.013(2)(*c*) or subsection 490.013(3) or (5); or

(*d*) on or after the day on which they receive a pardon.

(2) If more than one order is made in respect of a person, the person may apply for a termination order not earlier than 20 years after the most recent order was made under section 490.012, or on or after the day on which they receive a pardon. The application must be in relation to every order that is in effect.

(3) If an applicant is also subject to an obligation under section 490.019, the application must be in relation to that obligation as well as to every order that is in effect.

(4) A person whose application is refused may re-apply not earlier than five years after they made the previous application. However, they may not re-apply under this subsection if an order is made with respect to them under section 490.012 after the previous application was made.

(5) A person must apply to a superior court of criminal jurisdiction under this section if such a court made an order to which the application relates. In any other case, they must apply to a court of criminal jurisdiction.

490.016 (1) The court shall make a termination order if it is satisfied that the person has established that the impact on them of continuing the order or orders, and any obligation, to which the application relates, including on their privacy or liberty, would be grossly disproportionate to the public interest in the protection of society through the effective investigation of crimes of a sexual nature, to be achieved by the registration of information relating to sex offenders under the *Sex Offender Information Registration Act* .

2) The court shall give reasons for its decision.

490.017 The prosecutor or the person who applied for a termination order may appeal from a decision made under subsection 490.016(1) on any ground of appeal that raises a question of law or of mixed law and fact. The appeal court may dismiss the appeal, or allow it and order a new hearing, quash the termination order or make an order that may be made under that subsection.

490.018 (1) When a court or appeal court makes an order under section 490.012, it shall cause”

j) by replacing line 29 on page 20 with the following:

“ section 490.031; and”

k) by replacing, in the English version, line 33 on page 20 with the following:

“ that person, if applicable,”

l) by replacing line 34 on page 20 with the following:

“(ii) the person in charge of the place in which that person is”

m) by replacing, in the English version, line 40 on page 20 with the following:

“charged that person with the offence”

n) by replacing lines 11 to 23 on page 21 with the following:

“unless the conditions restrict the person's liberty in a manner and to an extent that prevent them from complying with section 4, 4.1, 4.3 or 6 of the *Sex Offender Information Registration Act* .

4) The person in charge of the place in which the person is serving the custodial portion of a sentence, or is detained in custody, before their release or discharge shall give the person a copy of the order not earlier than 10 days before their release or discharge.

490.019 A person who is served with a notice in Form 53 shall comply with the *Sex Offender Information Registration Act* for the applicable period specified in section 490.022 unless a court makes an exemption order under subsection 490.023(2).

490.02 (1) The Attorney General of a province or minister of justice of a territory may serve a person with a notice only if the person was convicted of, or found not criminally responsible on account of mental disorder for, an offence referred to in paragraph (a), (c), (d) or (e) of the definition “designated offence” in subsection 490.011(1) and

(a) on the day on which the *Sex Offender Information Registration Act* comes into force, they are subject to a sentence for, or have not received an absolute discharge under Part XX.1 from, the offence; or

(b) in any other case,

(i) their name appears in connection with the offence, immediately before the *Sex Offender Information Registration Act* comes into force, in the sex offender registry established under the Ontario Act, and

(ii) they either were a resident of Ontario at any time between April 23, 2001 and the day on which the *Sex Offender*

Information Registration Act comes into force or committed the offence in Ontario.

(2) A notice shall not be served on a person

(a) referred to in paragraph (1)(a) or (b) if they have been finally acquitted of, or have received a free pardon granted under Her Majesty's royal prerogative of mercy or section 748 for, every offence in connection with which notice may be served on them under that paragraph;

(b) referred to in paragraph (1)(a) or (b) if an application has been made for an order under subsection 490.012(3) in relation to any offence in connection with which notice may be served on them under that paragraph; or

(c) referred to in paragraph (1)(b) if they have provided proof of a pardon in accordance with subsection 9(1) of the Ontario Act.

490.021 (1) The notice shall be personally served within one year after the day on which the *Sex Offender Information Registration Act* comes into force.

(2) If a person referred to in paragraph 490.02(1)(a) is unlawfully at large or is in breach of any terms of their sentence or discharge, or conditions set under this Act, that relate to residence, the notice may be served by registered mail at their last known address.

(3) If a person referred to in paragraph 490.02(1)(b) is not in compliance with section 3 of the Ontario Act on the day on which the *Sex Offender Information Registration Act* comes into force, the notice may be served by registered mail at their last known address.

(4) If a person referred to in paragraph 490.02(1)(b) is in compliance with section 3 and subsection 7(2) of the Ontario Act on the day on which the *Sex Offender Information Registration Act* comes into force but fails to comply with subsection 3(1) or 7(2) of the Ontario Act within one year after that day, the notice shall be served within one year after the day on which they failed to comply and may be served by registered mail at their last known address.

(5) An affidavit of the person who served the notice, sworn before a commissioner or other person authorized to take affidavits, is evidence of the service and the notice if it sets out that

(a) the person who served the notice has charge of the appropriate records and has knowledge of the facts in the particular case;

(b) the notice was personally served on, or mailed to, the person to whom it was directed on a named day; and

(c) the person who served the notice identifies a true copy of the notice as an exhibit attached to the affidavit.

(6) The person who served the notice shall, without delay, send a copy of the affidavit and the notice to the Attorney General of the province, or the minister of justice of the territory, in which the person was served.

490.022 (1) The obligation under section 490.019 begins

(a) either one year after the day on which a person is served with a notice under section 490.021 or when a court decides not to make an exemption order under subsection 490.023(2), whichever is later; or

(b) when an exemption order made under this Act is quashed.

(2) The obligation ends on the earliest of

- (a) the day on which an exemption order is made on an appeal from a decision made under subsection 490.023(2),
- (b) the day on which the obligation of a person referred to in paragraph 490.02(1)(b) to comply with section 3 of the Ontario Act ends under paragraph 7(1)(a) of that Act, or
- (c) the day on which a person referred to in paragraph 490.02(1)(b) provides satisfactory proof of a pardon to a person who collects information, within the meaning of subsection 3(1) of the *Sex Offender Information Registration Act*, at a registration centre.
- 3) If none of paragraphs (2)(a) to (c) applies earlier, the obligation
- (a) ends 10 years after the day on which the person was sentenced, or found not criminally responsible on account of mental disorder, for an offence to which the obligation relates that was prosecuted summarily or for which the maximum term of imprisonment is two or five years;
- (b) ends 20 years after the day on which the person was sentenced, or found not criminally responsible on account of mental disorder, for an offence to which the obligation relates and for which the maximum term of imprisonment is 10 or 14 years;
- (c) applies for life if the maximum term of imprisonment for an offence to which the obligation relates is life; or
- (d) applies for life if the person was convicted of, or found not criminally responsible on account of mental disorder for, more than one offence referred to in paragraph (a), (c), (d) or (e) of the definition "designated offence" in subsection 490.011(1).

490.023 (1) A person who is not subject to an order under section 490.012 may, within one year after the day on which they are served with a notice under section 490.021, apply to any court of criminal jurisdiction for an order exempting them from the obligation under section 490.019.

2) The court shall make an exemption order if it is satisfied that the person has established that the impact of the obligation on them, including on their privacy or liberty, would be grossly disproportionate to the public interest in protecting society through the effective investigation of crimes of a sexual nature, to be achieved by the registration of information relating to sex offenders under the *Sex Offender Information Registration Act*.

3) The court shall give reasons for its decision.

4) If the court makes an exemption order, it shall also make an order requiring the permanent removal from the database of all information that relates to the person.

490.024 (1) The Attorney General or the person who applied for an exemption order may appeal from a decision of the court under subsection 490.023(2) on any ground of appeal that raises a question of law or of mixed law and fact. The appeal court may dismiss the appeal, or allow it and order a new hearing, quash the exemption order or make an order that may be made under that subsection.

2) If an appeal court makes an exemption order, it shall also make an order requiring the permanent removal from the database of all information that relates to the person.

490.025 When a court decides not to make an exemption order under subsection 490.023(2) or an appeal court dismisses an appeal from such a decision or quashes an exemption order made under that subsection, it shall notify the Attorney General of the decision and cause the person who applied for the exemption order to be informed of sections 4 to 7 and subsection 17(1) of the *Sex Offender Information Registration Act* and section 490.031.

490.026 (1) A person who is subject to an obligation under section 490.019 and is not subject to an order under section 490.012 may apply to a court of criminal jurisdiction for a termination order.

(2) A person may apply for a termination order under subsection (1) if the following period has elapsed since the day on which they were sentenced, or found not criminally responsible on account of mental disorder, for an offence referred to in paragraph (a), (c), (d) or (e) of the definition “designated offence” in subsection 490.011(1):

(a) five years if the offence was prosecuted summarily or is an offence for which the maximum term of imprisonment is two or five years;

(b) 10 years if the offence is one for which the maximum term of imprisonment is 10 or 14 years; and

(c) 20 years if the offence is one for which the maximum term of imprisonment is life.

(3) A person who committed more than one offence referred to in paragraph (a), (c), (d) or (e) of the definition “designated offence” in subsection 490.011(1) may apply for a termination order under subsection (1) if 20 years have elapsed since the day on which they were sentenced, or found not criminally responsible on account of mental disorder for the most recent offence.

(4) A person whose application is refused may re-apply if five years have elapsed since the day on which they made the previous application. However, they may not re-apply under this subsection if an order is made with respect to them under section 490.012 after the previous application was made.

490.027 (1) The court shall make an order terminating the obligation if it is satisfied that the person has established that the impact on them of continuing the obligation, including on their privacy or liberty, would be grossly disproportionate to the public interest in the protection of society through the effective investigation of crimes of a sexual nature, to be achieved by the registration of information relating to sex offenders under the *Sex Offender Information Registration Act* .

(2) The court shall give reasons for its decision.

490.028 If a person is eligible to apply for both an exemption order under section 490.023 and a termination order under section 490.026 within one year after they are served with a notice under section 490.021, an application within that period for one order is deemed to be an application for both.

490.029 The Attorney General or the person who applied for a termination order may appeal from a decision of the court made under section 490.027 on any ground of appeal that raises a question of law or of mixed law and fact. The appeal court may dismiss the appeal, or allow it and order a new hearing, quash the termination order or make an order that may be made under that section.

490.03 (1) At the request of a prosecutor or the Attorney General, as the case may be, the Commissioner of the Royal Canadian Mounted Police shall disclose information that is registered in the database or the fact that such information is registered in the database

(a) to the prosecutor, if the Commissioner is satisfied that the disclosure is necessary for the purposes of a proceeding for an order under section 490.012; or

(b) to the Attorney General, if the Commissioner is satisfied that the disclosure is necessary for the purposes of a proceeding under section 490.015, 490.023 or 490.026, or an appeal from a decision made in a proceeding under any of those sections or in a proceeding for an order under section 490.012.

(2) At the request of the Attorney General, the Commissioner shall disclose to the Attorney General all information

relating to a person that is registered in the database if the person, in connection with a proceeding, discloses any such information or the fact that any such information is registered in the database.

3) The prosecutor or the Attorney General may disclose the information to a court in connection with a proceeding referred to in subsection (1) or (2), or to an appeal court in connection with an appeal from a decision made in the proceeding, if the information is relevant to the proceeding or appeal.

4) Information that is collected under the *Sex Offender Information Registration Act* or registered in the database and that is relevant to the proceeding may be disclosed to a judge or justice in a proceeding relating to an application for a search warrant in connection with the investigation of a crime that there are reasonable grounds to suspect is of a sexual nature.

90.031 Every person who, without reasonable excuse, fails to comply with an order made under section 490.012 or with an obligation under section 490.019, is guilty of an offence and liable”

b) by replacing, in the English version, line 27 on page 21 with the following:

not more than six months, or to both; and”

p) by replacing line 38 on page 21 and lines 1 to 3 on page 22 with the following:

490.032 The Governor in Council may make regulations

a) requiring that additional information be contained in a notice under Form 53; and

b) prescribing, for one or more provinces, the form and content of that information.”

Jocelyne Girard-Bujold moved, — That Bill C-23, in Clause 20, be amended by replacing line 33 on page 13 with the following:

“provisions, if committed with an offence under paragraph (a) or with intent to commit such an offence: ”
The question was put on the amendment of Jocelyne Girard-Bujold and it was negatived on division.

Randy White moved, — That Bill C-23, in Clause 20, be amended by replacing lines 5 and 6 on page 16 with the following:

“disorder for, the offence in question.”
The question was put on the amendment of Randy White and it was negatived.

Jocelyne Girard-Bujold moved, — That Bill C-23, in Clause 20, be amended by replacing line 7 on page 16 with the following:

“ **490.03** (1) A court may, on application of”
The question was put on the amendment of Jocelyne Girard-Bujold and it was negatived.

Randy White moved, — That Bill C-23, in Clause 20, be amended by replacing lines 7 and 8 on page 16 with the following:

“ **490.03** (1) A court shall make an order in Form 52”
The question was put on the amendment of Randy White and it was negatived.

Jocelyne Girard-Bujold moved, — That Bill C-23, in Clause 20, be amended by replacing line 20 on page 16 with the following:

“(2) A court may, on application of the”

The question was put on the amendment of Jocelyne Girard-Bujold and it was negated on division.

Jocelyne Girard-Bujold moved, — That Bill C-23, in Clause 20, be amended by replacing line 8 on page 17 with the following:

“(3) A court may, on application of the”

The question was put on the amendment of Jocelyne Girard-Bujold and it was negated on division.

Randy White moved, — That Bill C-23, in Clause 20, be amended by adding after line 28 on page 17 the following:

“(3.1) Where a person is serving a sentence for an offence referred to in paragraph (a), (c), (d) or (e) of the definition “designated offence” on the day this Act comes into force, a court shall, on application of a prosecutor, make as soon as possible an order in Form 52 requiring that person to report to a registration centre and provide information in accordance with the *Sex Offender Information Registration Act* for the applicable period specified in subsection 490.04(1) or (2).

By unanimous consent, the amendment was withdrawn.

Randy White moved, — That Bill C-23, in Clause 20, be amended by adding after line 28 on page 17 the following:

“(3.2) A court shall, on application of a prosecutor, make an order in Form 52 requiring a person who was serving a sentence in a foreign state for a crime that would constitute a designated offence under this Act and who is transferred to Canada under the *Transfer of Offenders Act* , to report to a registration centre and provide information in accordance with the *Sex Offender Information Registration Act* for the applicable period specified in subsection 490.04(1) or (2) as soon as possible after the transfer of that person to Canada.

The question was put on the amendment of Randy White and it was negated on division.

Randy White moved, — That Bill C-23, in Clause 20, be amended by deleting lines 29 to 38 on page 17 and lines 1 to 3 on page 18.

The question was put on the amendment of Randy White and it was negated.

Jocelyne Girard-Bujold moved, — That Bill C-23, in Clause 20, be amended by replacing line 38 on page 17 with the following:

“offenders, or if it is satisfied, on the basis of a professional assessment, that the person is of little danger or presents low risk of reoffending. ”

The question was put on the amendment of Jocelyne Girard-Bujold and it was negated.

Randy White moved, — That Bill C-23, in Clause 20, be amended by deleting lines 33 to 44 on page 18.

The question was put on the amendment of Randy White and it was negated.

Randy White moved, — That Bill C-23, in Clause 20, be amended(a) by replacing lines 1 to 19 on page 19 with the following:

“ 490.06 A person who is subject to one or more”

(b) by deleting lines 26 to 45 on page 19 and lines 1 to 6 on page 20.

The question was put on the amendment of Randy White and it was negated.

Jocelyne Girard-Bujold moved, — That Bill C-23, in Clause 20, be amended by replacing lines 26 to 32 on page 19 with the following:

“(4) The court shall make an order continuing an order — or, if the person is subject to more than one order, the orders — made under section 490.03 if it is satisfied that the prosecutor has established that the impact on the person of continuing the order or orders, including on the person's privacy or liberty, would not be grossly”

The question was put on the amendment of Jocelyne Girard-Bujold and it was negatived.

Randy White moved, — That Bill C-23, in Clause 20, be amended by deleting lines 7 to 19 on page 20.

The question was put on the amendment of Randy White and it was negatived.

Randy White moved, — That Bill C-23, in Clause 20, be amended by replacing line 32 on page 21 with the following:

“ment for a term of not more than ten”

The question was put on the amendment of Randy White and it was negatived on division.

Clause 20, as amended, carried on division.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 21, be amended(a) by replacing lines 5 and 6 on page 22 with the following:

“ adding the following at the end of that Part:

Canada,”

(b) by replacing lines 9 to 17 on page 22 with the following:

“You have been convicted of, or found not criminally responsible on account of mental disorder for, (*insert description of offence(s)*), a designated offence (*or if more than one offence, designated offences*) within the meaning of subsection 490.011(1) of the *Criminal Code* , under (*insert the applicable designated offence provision(s) of the Criminal Code*).”

(c) by replacing lines 19 to 21 on page 22 with the following:

“person, to the registration centre that serves the area in which your main residence is located, whenever required under subsection 4(2) of the *Sex Offender Informa-* ”

(d) by replacing lines 24 to 30 on page 22 with the following:

“registration centre that serves the area in which your main residence is located whenever required under section 4.1 or 4.3 of the *Sex Offender Information Registration Act* , for a period of years after this order is made (*or if paragraph 490.013(2)(c) or any of subsections 490.013(3) to (5) of the Criminal Code applies* , for life).”

(e) by replacing lines 1 to 8 on page 23 with the following:

“3. Information relating to you will be collected under sections 5 and 6 of the *Sex Offender Information Registration Act* by a person who collects information at the registration centre.

4. Information relating to you will be registered in a database, and may be consulted, disclosed and used in the circumstances set out in the”

(f) by replacing lines 13 and 14 on page 23 with the following:

“information at the registration centre that serves the area in which your main residence is located to correct the

informa-”

(g) by replacing, in the English version, lines 17 and 18 on page 23 with the following:

“7. You have the right to apply to a court to terminate this order, and the right to appeal any deci-”

(h) by replacing, in the French version, line 20 on page 23 with the following:

“tribunal de révoquer la présente ordonnance”

(i) by replacing line 29 on page 23 with the following:

“Canada,

Province of,

(*territorial division*).

To A.B., of, (*occupation*), a person referred to in subsection 490.02(1) of the *Criminal Code* :

Because, on (*insert date(s)*), you were convicted of, or found not criminally responsible on account of mental disorder for, (*insert description of offence(s)*), one or more offences referred to in paragraph (*a*), (*c*), (*d*) or (*e*) of the definition “designated offence” in subsection 490.011(1) of the *Criminal Code* , under (*insert the applicable offence provision(s) of the Criminal Code*), this is provided to give you notice that you are required to comply with the *Sex Offender Information Registration Act*.

1. You must report for the first time, in person, to the registration centre that serves the area in which your main residence is located, whenever required under subsection 4(3) of the *Sex Offender Information Registration Act*.

2. You must subsequently report to the registration centre that serves the area in which your main residence is located whenever required under section 4.1 or 4.3 of the *Sex Offender Information Registration Act* for a period of years after the day on which you were sentenced, or found not criminally responsible on account of mental disorder, for the offence (*or if paragraph 490.022(3)(c) of the Criminal Code applies* , for life) or for any shorter period set out in subsection 490.022(2) of the *Criminal Code* .

3. Information relating to you will be collected under sections 5 and 6 of the *Sex Offender Information Registration Act* by a person who collects information at the registration centre.

4. Information relating to you will be registered in a database, and may be consulted, disclosed and used in the circumstances set out in the *Sex Offender Information Registration Act* .

5. If you believe that the information registered in the database contains an error or omission, you may ask a person who collects information at the registration centre that serves the area in which your main residence is located to correct the information.

6. You have the right to apply to a court to exempt you from the obligation to comply with the *Sex Offender Information Registration Act* , and the right to appeal any decision of that court.

7. You have the right to apply to a court to terminate the obligation, and the right to appeal any decision of that court.

8. If you are found to have contravened the obligation, you may be subject to a fine or imprisonment, or to both.

9. If you are found to have provided false or misleading information, you may be subject to a fine or imprisonment, or to both.

Dated this day of, at ”

Randy White moved, — That Bill C-23, in Clause 21, be amended by replacing lines 16 to 23 on page 23 with the following:

“6. If you are found to have contravened this order, you may be subject to a fine or imprisonment, or to both.

7. If you are found to have provided false or”

The question was put on the amendment of Randy White and it was negatived.

Clause 21, as amended, carried on division.

Lorne Nystrom moved, — That Bill C-23 be amended by adding after line 29 on page 23 the following new clause:

“ **21.1** (1) The administration of this Act shall, two years after the coming into force of this Act, be reviewed by the parliamentary committee that may be designated or established by Parliament for that purpose.

(2) The committee designated or established by Parliament for the purpose of subsection (1) shall undertake a review of the provisions and operation of this Act and shall, within six months after the review is undertaken or within any further time that may be authorized, submit a report to Parliament thereon including a statement of any changes to this Act or its administration that the committee would recommend.”

The question was put on the amendment and the result of the vote was announced: YEAS: 6; NAYS: 6.

Whereupon, the Chair voted in the affirmative.

Accordingly, the amendment was agreed to.

Clause 21.1, as amended, carried.

On motion of Marlene Jennings, it was agreed, — That Bill C-23, in Clause 22, be amended by replacing line 8 on page 24 with the following:

“ **that Act to "subsections 9(3) and 16(4)".** ”

Clause 22, as amended, carried.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 23, be amended by replacing lines 15 to 19 on page 24 with the following:

“records and removes any disqualification or obligation to which the person so convicted is, by reason of the conviction, subject by virtue of the provisions of any Act of Parliament, other than section 109, 110, 161, 259, 490.012 or 490.019 of”

Clause 23, as amended, carried on division.

Clause 24 was negatived.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-23, in Clause 25, be amended by replacing line 20 on page 25 with the following:

“ **tion 490.011(1) of the *Criminal Code* is** ”

Clause 25, as amended, carried on division.

Lorne Nystrom moved, — That Bill C-23, in Clause 26, be amended by replacing lines 24 to 26 on page 25 with the following:

“26. This Act is deemed to have come into force on January 1, 2000.”

By unanimous consent, the amendment was withdrawn.

Clause 26 carried.

The Short Title carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-23, as amended, be reprinted for the use of the House at report stage.

At 11:12 a.m., the sitting was suspended.

At 11:26 a.m., the sitting resumed.

Pursuant to the Order of Reference of Wednesday, October 8, 2003, the Committee commenced consideration of Bill C-46, An Act to amend the Criminal Code (capital markets fraud and evidence-gathering).

Jocelyne Girard-Bujold moved, — That Bill C-46, in Clause 1, be amended by deleting lines 13 to 26 on page 1. The question was put on the amendment of Jocelyne Girard-Bujold and it was negatived.

Clause 1 carried.

Clauses 2 to 4 inclusive carried severally.

Lorne Nystrom moved, — That Bill C-46, in Clause 5, be amended by replacing lines 15 to 17 on page 4 with the following:

“(b) might reasonably be expected to affect the material value of any of the securities of the issuer.”
The question was put on the amendment of Lorne Nystrom and it was negatived on division.

Clause 5 carried.

Jocelyne Girard-Bujold moved, — That Bill C-46 be amended by adding after line 17 on page 4 the following new clause:

“ 5.1 Section 397 of the Act is replaced by the following:

397. (1) Every one who, with intent to defraud,

(a) destroys, mutilates, alters, falsifies or makes a false entry in, or

(b) omits a material particular from, or alters a material particular in,

a book, paper, writing, financial statement, valuable security or document is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

(2) Every one who, with intent to defraud his creditors, is privy to the commission of an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

(3) Every one who, with intent to defraud the shareholders, is privy to the commission of an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.”

The question was put on the amendment of Jocelyne Girard-Bujold and it was negatived.

Jocelyne Girard-Bujold moved, — That Bill C-46 be amended by adding after line 17 on page 4 the following new clause:

“ 5.2 The Act is amended by adding the following after section 400:

400.1 Everyone who knowingly executes or makes a scheme, artifice, proposal, contrivance or operation

(a) to defraud any person in connection with any security, or

(b) to obtain, by deceit, falsehood, representation, promises or other fraudulent pretences or means, any money or property in connection with the purchase or sale of any security,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.”

The question was put on the amendment of Jocelyne Girard-Bujold and it was negatived.

Lorne Nystrom moved, — That Bill C-46, in Clause 6, be amended by replacing line 9 on page 5 with the following:

“conviction and liable to imprisonment for a term not exceeding eighteen months.”

The question was put on the amendment of Lorne Nystrom and it was negatived on division.

Clause 6 carried.

Clauses 7 to 9 inclusive carried severally.

The Title carried.

The Bill carried.

ORDERED, — That the Chair report the Bill to the House.

At 11:38 a.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/10/31 4:55 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 77

Wednesday, October 29, 2003

ORDERS OF THE DAY:

Study of Bill C-33, An Act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences

Study of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

WITNESSES:

Department of Justice:

Catherine Kane, Senior Counsel, Policy Centre for Victims;

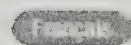
Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section;

Carole Morency, Senior Counsel, Criminal Law Policy Section;

Richard Mosley, Assistant Deputy Minister, Criminal Law Policy and Community Justice Branch.

Department of the Solicitor General:

Normand Payette, Acting Director, Corrections Policy.



MINUTES OF PROCEEDINGS

Meeting No. 77

Wednesday, October 29, 2003

The Standing Committee on Justice and Human Rights met at 3:37 p.m. this day, in Room 705 La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Andy Scott and Kevin Sorenson.

Acting Members present: Joe Comartin for Lorne Nystrom and Bob Wood for Sarmite Bulte.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Joann Garbig, Legislative Clerk; Jeffrey LeBlanc, Legislative Clerk.

Witnesses: Department of the Solicitor General: Normand Payette, Acting Director, Corrections Policy. *Department of Justice:* Michel Laprade, Legal Counsel, Legal Services, Correctional Service of Canada; Richard G. Mosley, Assistant Deputy Minister, Criminal Law Policy and Community Justice Branch; Carole Morency, Senior Counsel, Criminal Law Policy Section; Catherine Kane, Senior Counsel, Policy Centre for Victims; Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Tuesday, May 13, 2003, the Committee resumed consideration of Bill C-33, An Act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences.

The witnesses answered questions.

At 4:07 p.m., the sitting was suspended.

At 4:13 p.m., the sitting resumed.

Clause 2 carried on division.

On Clause 3,

Kevin Sorenson moved, — That Bill C-33, in Clause 3, be amended by replacing lines 21 to 24 on page 2 with the following:

“ 3. The purpose of this Act is to enable offenders to”

The question was put on the amendment of Kevin Sorenson and it was negatived.

Clauses 3 to 9 inclusive carried on division severally.

On Clause 10,

Joe Comartin moved, — That Bill C-33, in Clause 10, be amended by replacing lines 4 to 6 on page 5 with the following:

“residence;

(c) whether the offender has social or family ties in Canada; and

(d) whether the foreign entity or its prison system presents a serious threat to the offender's security or human rights.”

The question was put on the amendment and the result of the vote was announced: YEAS: Chuck Cadman, Joe Comartin, Hedy Fry, Richard Marceau, John McKay, Kevin Sorenson — 6; NAYS: Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Bob Wood — 6.

Whereupon, the Chair voted in the affirmative.

Accordingly, the amendment was agreed to.

Clause 10, as amended, carried.

Clauses 11 and 12 carried on division severally.

On Clause 13,

Kevin Sorenson moved, — That Bill C-33, in Clause 13, be amended by replacing lines 3 to 5 on page 6 with the following:

“with the laws of the country in which the conviction occurred.”

The question was put on the amendment of Kevin Sorenson and it was negated on division.

Clauses 13 to 16 inclusive carried on division severally.

On Clause 17,

Richard Marceau moved, — That Bill C-33, in Clause 17, be amended by replacing line 1 on page 7 with the following:

“(b) the Minister provides evidence that their sentence is longer than the maxi- ”

The question was put on the amendment of Richard Marceau and it was negated on division.

Clause 17 carried on division.

On Clause 18,

Richard Marceau moved, — That Bill C-33, in Clause 18, be amended by replacing line 33 on page 7 with the following:

“(b) the Minister provides evidence that their sentence is longer than the maxi- ”

The question was put on the amendment of Richard Marceau and it was negated on division.

Clause 18 carried on division.

On Clause 19,

Richard Marceau moved, — That Bill C-33, in Clause 19, be amended by replacing line 1 on page 8 with the

following:

“ *Justice Act* only if the Minister provides evidence thereof. They are eligible for full parole on”
The question was put on the amendment of Richard Marceau and it was negatived on division.

Richard Marceau moved, — That Bill C-33, in Clause 19, be amended by replacing line 28 on page 8 with the following:

“ *Justice Act* only if the Minister provides evidence thereof.”
The question was put on the amendment of Richard Marceau and it was negatived on division.

Richard Marceau moved, — That Bill C-33, in Clause 19, be amended by replacing line 42 on page 8 with the following:

“ *Justice Act* only if the Minister provides evidence thereof.”
The question was put on the amendment of Richard Marceau and it was negatived on division.

Richard Marceau moved, — That Bill C-33, in Clause 19, be amended(a) by replacing line 8 on page 9 with the following:

“ *Criminal Justice Act* and the Minister provides evidence thereof,”

b) by replacing line 20 on page 9 with the following:

“sentence within the meaning of that Act and the Minister provides evidence thereof,”
The question was put on the amendment of Richard Marceau and it was negatived on division.

Clauses 19 to 43 inclusive carried on division severally.

The Short Title carried on division.

The Title carried on division.

The Bill, as amended, carried, on division.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-33, as amended, be reprinted for the use of the House at report stage.

Pursuant to the Order of Reference of Tuesday, April 1, 2003, the Committee resumed consideration of Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The witnesses answered questions.

By unanimous consent, Clauses 1 and 2 carried on division.

On Clause 3,

Richard Marceau moved, — That Bill C-20, in Clause 3, be amended(a) by replacing line 41 on page 2 with the following:

“exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or ”

(b) by replacing line 45 on page 2 with the following:

“months and to a minimum punishment of imprisonment for a term of three months.”

The question was put on the amendment of Richard Marceau and it was negatived on the following recorded division: YEAS: Chuck Cadman, Richard Marceau, John McKay, Pat O'Brien, Kevin Sorenson — 5; NAYS: Joe Comartin, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Bob Wood — 8.

Richard Marceau moved, — That Bill C-20, in Clause 3, be amended(a) by replacing line 11 on page 3 with the following:

“exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or”

(b) by replacing line 15 on page 3 with the following:

“months and to a minimum punishment of imprisonment for a term of three months.”

The question was put on the amendment of Richard Marceau and it was agreed to on the following recorded division: YEAS: Joe Comartin, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Bob Wood — 8; NAYS: Chuck Cadman, Richard Marceau, John McKay, Pat O'Brien, Kevin Sorenson — 5.

Clause 3 carried on division.

On Clause 4,

Richard Marceau moved, — That Bill C-20, in Clause 4, be amended(a) by replacing line 42 on page 3 with the following:

“exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or”

(b) by replacing line 46 on page 3 with the following:

“months and to a minimum punishment of imprisonment for a term of three months.”

The question was put on the amendment of Richard Marceau and it was agreed to on the following recorded division: YEAS: Joe Comartin, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Bob Wood — 8; NAYS: Chuck Cadman, Richard Marceau, John McKay, Pat O'Brien, Kevin Sorenson — 5.

On motion of Marlene Jennings, it was agreed, — That Bill C-20, in Clause 4, be amended by replacing lines 1 to 11 on page 4 with the following:

“(1.2) A judge may infer that a person is in a relationship with a young person that is exploitative of the young person from the nature and circumstances of the relationship, including

(a) the age of the young person;

(b) the age difference between the person and the young person;

(c) the evolution of the relationship; and

(d) the degree of control or influence by the person over the young person.”

Clause 4, as amended, carried on division.

Clause 5 carried on division.

On Clause 6,

On motion of Marlene Jennings, it was agreed, — That Bill C-20, in Clause 6, be amended(a) by replacing line 21 on page 5 with the following:

“explicit sexual activity;”

(b) by replacing line 24 on page 5 with the following:

“or is engaged in explicit sexual activity, and the”

On motion of Richard Marceau, it was agreed, — That Bill C-20, in Clause 6, be amended by replacing lines 1 to 4 on page 6 with the following:

“sells, advertises or makes available the recording, or has the recording in his or her possession for the purpose of printing, publishing, distributing, circulating, selling or advertising it or making it available.”

Richard Marceau moved, — That Bill C-20, in Clause 6, be amended by replacing line 9 on page 6 with the following:

“exceeding five years and to a minimum punishment of imprisonment for a term of one year; or”

The question was put on the amendment of Richard Marceau and it was negatived on the following recorded division:

YEAS: Chuck Cadman, Richard Marceau, John McKay, Pat O'Brien, Kevin Sorenson — 5; NAYS: Joe Comartin, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Bob Wood — 8.

On motion of Marlene Jennings, it was agreed, — That Bill C-20, in Clause 6, be amended by replacing line 17 on page 6 with the following:

“(7) For the purposes of subsection (6),”

Clause 6, as amended, carried.

On Clause 7,

Richard Marceau moved, — That Bill C-20, in Clause 7, be amended by adding after line 2 on page 7 the following:

“(6.1) For the purposes of this section, an act serves the public good if the act

(a) has a medical, educational, psychiatric, scientific or crime-prevention purpose; or

(b) is performed by a person involved in any of the following journalistic activities:

(i) a newspaper or other printed form of public information, or

(ii) a broadcast by a broadcaster or a supplier of electronic news licensed by the Canadian Radio-television and Telecommunications Commission to carry on a broadcasting undertaking or exempt from the application of the *Telecommunications Act* by order of the Commission.”

The question was put on the amendment of Richard Marceau and it was negatived on division.

On motion of Marlene Jennings, it was agreed on division, — That Bill C-20, in Clause 7, be amended by replacing lines 3 to 17 on page 7 with the following:

“(7) For the purpose of subsection (6), acts or material that serve the public good include acts or material that are necessary or advantageous to the administration of justice or the pursuit of science, medicine, education or art.

(8) For the purposes of this section, it is a question of law whether any written material or visual representation advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act.

(9) For the purposes of subsection (6),

(a) it is a question of law whether an act or any material related to an act serves the public good and whether there is evidence that the act alleged or the material goes beyond what serves the public good, but it is a question of fact whether the act or the material does or does not extend beyond what serves the public good; and

(b) the motives of the accused are irrelevant.”

Clause 7, as amended, carried on division.

Clause 8 carried.

On Clause 9,

Richard Marceau moved, — That Bill C-20, in Clause 9, be amended(a) by replacing line 2 on page 9 with the following:

" of the Act before paragraph (b) is replaced "

(b) by adding after line 18 on page 9 the following:

“(a) give an electronic copy of the material to the court and provide the court with any password or other information required to access the material;”

The question was put on the amendment of Richard Marceau and it was negatived on division.

Clauses 9.1 and 9 to 24 inclusive carried on division severally.

On Clause 25,

On motion of Marlene Jennings, it was agreed on division, — That Bill C-20, in Clause 25, be amended by replacing line 4 on page 23 with the following:

“ 16. (1) Where a proposed witness is a person of fourteen years of age or older”

Clause 25, as amended, carried on division.

On Clause 26,

On motion of Marlene Jennings, it was agreed on division, — That Bill C-20, in Clause 26, be amended by replacing lines 11 to 22 on page 23 with the following:

“ 16.1 (1) A person under fourteen years of age is presumed to have the capacity to testify.

(2) Despite any provision of any Act requiring an oath or a solemn affirmation, a proposed witness under fourteen years of age shall not be required to take an oath or make a solemn affirmation.

(3) The evidence of a proposed witness under fourteen years of age shall be received if they are able to understand and respond to questions.

(4) A party who challenges the capacity of a proposed witness under fourteen years of age has the burden of satisfying

the court that there is an issue as to their capacity to understand and respond to questions.

(5) Where the court is satisfied that there is an issue as to the capacity of a proposed witness under fourteen years of age to understand and respond to questions, the court shall, before permitting them to give evidence, conduct an inquiry to determine whether they are able to understand and respond to questions.

(6) The court shall, before permitting a proposed witness under fourteen years of age to give evidence, require them to promise to tell the truth.

(7) No proposed witness under fourteen years of age shall be asked any questions regarding their understanding of the nature of the promise for the purpose of determining whether their evidence shall be received by the court.

(8) For greater certainty, where the evidence of a witness under fourteen years of age is received by the court, it shall have the same effect as if it were taken under oath.”

Clause 26, as amended, carried on division.

Clauses 27 and 28 carried on division severally.

The Preamble carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-20, as amended, be reprinted for the use of the House at report stage.

At 5:34 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/11/07 9:04 a.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 78

Tuesday November 4, 2003

ORDER OF THE DAY:

Study of the process by which judges are appointed to Courts of Appeal and to the Supreme court of Canada

WITNESS:

House of Commons:

Richard Marceau BQ, Member from Charlesbourg—Jacques-Cartier.



Français

MINUTES OF PROCEEDINGS

Meeting No. 78

Tuesday, November 4, 2003

The Standing Committee on Justice and Human Rights met at 11:50 a.m. this day, in Room 209 West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Marlene Jennings, Christian Jobin, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Pat O'Brien, Andy Scott, Kevin Sorenson and Vic Toews.

In attendance: Library of Parliament: Robin MacKay, Analyst; Philip Rosen, Principal.

Witnesses: House of Commons: Richard Marceau, Charlesbourg—Jacques-Cartier.

Pursuant to the Order of Reference of Wednesday, October 1, 2003, the Committee commenced its study of the process by which judges are appointed to Courts of Appeal and to the Supreme Court of Canada.

The witness made a statement and answered questions.

At 1:01 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/11/04 3:46 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 2nd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 79

Thursday November 6, 2003

ORDER OF THE DAY:

Study of the process by which judges are appointed to Courts of Appeal and to the Supreme Court of Canada.

WITNESS:

As Individual:

Edward Ratushny, Professor, University of Ottawa, Faculty of Law, Common Law Section.



MINUTES OF PROCEEDINGS

Meeting No. 79

Thursday, November 6, 2003

The Standing Committee on Justice and Human Rights met at 11:14 a.m. this day, in Room 209 West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Garry Breitkreuz, Chuck Cadman, Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, Paul Harold Macklin, John Maloney, Richard Marceau, John McKay, Andy Scott and Kevin Sorenson.

Acting Members present: Benoît Sauvageau for Richard Marceau.

In attendance: Library of Parliament: Philip Rosen, Principal; Robin MacKay, Analyst.

Witnesses: As Individual: Edward Ratushny, Professor, University of Ottawa, Faculty of Law, Common Law Section.

Pursuant to the Order of Reference of Wednesday, October 1, 2003, the Committee resumed its study of the process by which judges are appointed to Courts of Appeal and to the Supreme Court of Canada.

The witness made a statement.

Garry Breitkreuz moved, — That, in light of all the problems identified during the Committee's review of the Draft Firearms Act Regulations and in submissions received by the Clerk, the Committee prepare a report to Parliament with our recommended amendments to these draft regulations.

The question was put on the motion and it was negatived on the following recorded division: YEAS: Garry Breitkreuz, Chuck Cadman, Kevin Sorenson — 3; NAYS: Hedy Fry, Marlene Jennings, Christian Jobin, Derek Lee, John Maloney, John McKay, Benoît Sauvageau — 7.

The witness answered questions.

At 12:44 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2003/11/07 8:13 a.m.

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE AND HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 1

Tuesday, February 17, 2004

ORDER OF THE DAY:

Election of a Chair and Vice-Chairs



MINUTES OF PROCEEDINGS

Meeting No. 1

Tuesday, February 17, 2004

The Standing Committee on Justice and Human Rights met at 3:38 p.m. this day, in Room 308 West Block, for the purpose of electing a Chair, pursuant to Standing Order 106(1).

Members of the Committee present: Hon. Sue Barnes, Garry Breitkreuz, Chuck Cadman, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Robert Lanctôt, Derek Lee, Hon. Lawrence MacAulay, Peter MacKay, Richard Marceau, Pauline Picard, Hon. Jerry Pickard, Kevin Sorenson, Vic Toews and Paddy Torsney.

Attending Members present: Sarmite Bulte for John Maloney.

Associate Members present: Yvan Loubier.

Attendance: Library of Parliament: Philip Rosen, Principal.

The Clerk of the Committee presided over the election of a Chair.

Yvon Charbonneau moved, seconded by Vic Toews — That Derek Lee be elected Chair of the Committee.

Paul DeVillers moved, — That Paddy Torsney be elected Chair of the Committee.

Pursuant to Standing Order 106(3), the election was conducted by secret ballot.

The ballots having been counted, Derek Lee was declared duly elected Chair.

The Clerk of the Committee presided over the election of the Vice-Chairs.

On motion of Derek Lee, it was agreed, — That Paddy Torsney be elected as Government Vice-Chair of the Committee.

On motion of Vic Toews, seconded by Derek Lee, it was agreed, — That Chuck Cadman be elected as Opposition Vice-Chair of the Committee.

Derek Lee took the Chair.

On motion of Richard Marceau, it was agreed, — That the Subcommittee on Agenda and Procedure be composed of the Chair, the two Vice-Chairs, the Parliamentary Secretaries to the minister of Justice and to the minister of Public Safety and Emergency Preparedness, one Conservative Member, one Bloc Québécois Member and one New Democratic Party Member.

On motion of Richard Marceau, it was agreed, — That the Committee retain the services of one or more analyst(s) from the Library of Parliament, as needed, to assist the Committee in its work, at the discretion of the Chair.

On motion of Richard Marceau, it was agreed, — That the Chair be authorized to hold meetings to receive and publish evidence when a quorum is not present provided that at least three (3) members are present, including a member of the opposition.

On motion of Richard Marceau, it was agreed, — That witnesses be given ten (10) minutes for their opening statement;

That, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party; and that thereafter three (3) minutes be allocated to each subsequent questioner, alternating between Government and Opposition parties.

On motion of Richard Marceau, it was agreed, — That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses, one (1) representative per organization; and that, in exceptional circumstances, payment for more representatives be at the discretion of the Chair.

On motion of Richard Marceau, it was agreed, — That the Clerk of the Committee be authorized to distribute to the members of the Committee documents only when they exist in both official languages.

On motion of Richard Marceau, it was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide for working meals for the Committee.

On motion of Richard Marceau, it was agreed, — That one copy of the transcript of all *in camera* meetings be kept in the Committee Clerk's office for consultation by members of the Committee.

On motion of Richard Marceau, it was agreed, — That, when a Private Members' Business Bill is referred to the Committee it is placed on the Agenda and that its sponsor be invited to appear before the Committee.

Jerry Pickard moved, — That pursuant to Standing Order 108(1)(a) and (b) a Subcommittee on National Security, composed of 11 members, (6 members from the Liberal Party, 3 members from the Conservative Party of Canada; 1 member from the Bloc Québécois and 1 member from the New Democratic Party) be established with all the powers of the Committee except the power to report directly to the House; and pursuant to Standing Order 108(2) the mandate of the said Subcommittee shall include review and consideration of the budgets and the propriety and efficacy of the functions performed and the powers exercised by the Canadian Security Intelligence Service (CSIS), the RCMP National Security Investigations Section, the Office of Critical Infrastructure Protection and Emergency Preparedness, the Canadian Border Services Agency, and their relationships with all departments and agencies with which they have a memorandum of understanding or other working arrangements, the Annual Report to Parliament of the Security Intelligence Review Committee, all Special Reports made by SIRC under section 54 of the CSIS Act, the operations of the SIRC on behalf of Parliament, the Annual Statement on National Security made by Minister of Public Safety and Emergency Preparedness, the Annual Public Report made by the Director of CSIS and the review of the annual report of the Commissioner of the Communications Security Establishment.

Debate arose thereon.

Marlene Catterall moved, — That the motion be amended by adding after the word "arrangements" the following: "and any other security function within any government department or agency".

Debate arose thereon.

The question was put on the motion and it was negatived, by a show of hands: YEAS: 2; NAYS: 5.

It was agreed, — That consideration of the motion to create the Subcommittee be postponed until the first meeting of the Steering Committee.

On motion of Chuck Cadman, it was agreed, — That whenever the Main Estimates or the Supplementary Estimates are tabled in the House, the Committee invite the Minister and any relevant Senior Officials of a Department to appear at a televised meeting, if possible, of the Committee.

On motion of Chuck Cadman, it was agreed, — That whenever a Chapter of a Report of the Auditor General refers to a subject under the mandate of the Committee, the Committee invite the Office of the Auditor General of Canada and any relevant Senior Officials of a Department to appear at a televised meeting, if possible, of the Committee.

as agreed, — That the Subcommittee on Agenda and Procedure of the Committee meet on Thursday, February 19,
4 to discuss future business.

4:15 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

4/02/24 1:46 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE AND HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 2

Wednesday, March 10, 2004

ORDERS OF THE DAY:

Study of the Supplementary Estimates (B) 2003-2004: Votes 1b, 10b, 15b, 25b, 30b, 35b, 40b, 45b, 50b and 55b under SOLLICITOR GENERAL

Study of the Main Estimates (B) 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70 and 75 under SOLLICITOR GENERAL (Public Safety and Emergency Preparedness)

APPEARING:

Hon. Anne McLellan, Minister of Public Safety and Emergency Preparedness

WITNESSES:

Canadian Firearms Centre:

William Baker, Commissioner.

Canadian Security Intelligence Service:

Ward Elcock, Director.

Department of Public Safety and Emergency Preparedness:

Margaret Bloodworth Deputy Minister.

Royal Canadian Mounted Police:

Gary Loeppky, Acting Commissioner.



Français

MINUTES OF PROCEEDINGS

Meeting No. 2

Wednesday, March 10, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 4:10 p.m. this day, in Room 269 West Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Garry Breitkreuz, Chuck Cadman, Marlene Catterall, Hon. Yvon Charbonneau, Robert Lanctôt, Derek Lee, Hon. Lawrence MacAulay, Peter MacKay, Hon. Lorne Nystrom, Pauline Picard and Paddy Torsney.

Other Members present: Joe Clark.

In attendance: Library of Parliament: Robin MacKay, Analyst.

Appearing: Hon. Anne McLellan, Minister of Public Safety and Emergency Preparedness.

Witnesses: Department of the Solicitor General (Public Safety and Emergency Preparedness): Margaret Bloodworth, Deputy Minister. *Canadian Firearms Centre:* William V. Baker, Commissioner. *Canadian Security Intelligence Service:* Ward P. Elcock, Director. *Royal Canadian Mounted Police:* Gary Loepky, A/Commissioner.

Pursuant to Standing Order 81(5), the Committee commenced consideration of the Supplementary Estimates (B) 2003-2004: Votes 1b, 10b, 15b, 25b, 30b, 35b, 40b, 45b, 50b and 55b under SOLICITOR GENERAL, referred to the Committee on Thursday, February 19, 2004.

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70 and 75 under SOLICITOR GENERAL (Public Safety and Emergency Preparedness), referred to the Committee on Tuesday, February 24, 2004.

The Minister made a statement and, with the witnesses, answered questions.

At 5:58 p.m., the sitting was suspended.

At 5:59 p.m., the sitting resumed *in camera*.

The Committee discussed its business.

At 6:01 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2004/03/15 2:21 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE AND HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 3

Thursday, March 11, 2004

ORDER OF THE DAY:

Study of the Main Estimates (B) 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under
JUSTICE

APPEARING:

Hon. Irwin Cotler, Minister of Justice and Attorney General of Canada

WITNESSES:

Department of Justice:

Terry Beitner, Director, War Crime Section, Department of Citizenship and Immigration;

James Bissell, Assistant Deputy Attorney General;

Carolina Giliberti, Director General;

Donald Piragoff, Senior General Counsel, Criminal Law Policy Section;

Morris Rosenberg, Deputy Minister and Deputy Attorney General;

Josée Touchette, Assistant Deputy Minister.



MINUTES OF PROCEEDINGS

Meeting No. 3

Thursday, March 11, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:11 a.m. this day, in Room 308 West Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Chuck Cadman, Marlene Catterall, Hon. Yvon Charbonneau, Derek Lee, Hon. Lawrence MacAulay, Peter MacKay, Richard Marceau, Hon. Lorne Nystrom, Kevin Sorenson and Paddy Torsney.

In attendance: Library of Parliament: Robin MacKay, Analyst; Philip Rosen, Principal Analyst.

Appearing: Hon. Irwin Cotler, Minister of Justice.

Witnesses: Department of Justice: Morris Rosenberg, Deputy Minister and Deputy Attorney General; Josée Touchette, Assistant Deputy Minister; Donald Piragoff, Senior General Counsel, Criminal Law Policy Section; Terry Beitner, Director, General Counsel; Carolina Giliberti, Director General; James Q. Bissell, Assistant Deputy Attorney General.

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2004-2005: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, referred to the Committee on Tuesday, February 24, 2004.

The Minister of Justice made a statement and, with the other witnesses, answered questions.

On motion of Marlene Catterall, seconded by Richard Marceau, it was agreed, — That the proposed budget in the amount of \$14,300 be adopted for its study of the Supreme Court of Canada's process of appointments and that the Chair present the said budget to the Budget Subcommittee of the Liaison Committee.

At 10:58 a.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2004/03/15 2:25 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE, HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 4

Tuesday, March 23, 2004

ORDER OF THE DAY:

Study of the process by which judges are appointed to the Supreme Court of Canada.

WITNESSES:

As Individuals:

Christopher Manfredi, Full Professor, Department of Political Science, McGill University;

Peter Russell, Professor, Political Science, University of Toronto;

Lorraine Weinrib, Professor, Faculty of Law, University of Toronto;

Jacob Ziegel, Professor of Law Emeritus, Faculty of Law, University of Toronto.



MINUTES OF PROCEEDINGS

Meeting No. 4

Tuesday, March 23, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:10 a.m. this day, in Room 362 East Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Chuck Cadman, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Robert Lanctôt, Derek Lee, Hon. Lawrence MacAulay, Peter MacKay, John Maloney, Richard Marceau, Hon. Lorne Nystrom, Kevin Sorenson, Vic Toews and Paddy Torsney.

Acting Members present: Stéphane Dion for Jerry Pickard.

Attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: As Individuals: Jacob S. Ziegel, Professor of Law Emeritus, Faculty of Law, University of Toronto; Christopher Manfredi, Full Professor, Department of Political Science, McGill University; Peter Russell, Professor, Political Science, University of Toronto; Lorraine Weinrib, Professor, Faculty of Law, University of Toronto.

It was agreed, — That consideration of the Sub-Committee Report on Agenda and Procedure be postponed until the end of the meeting.

Pursuant to Standing Order 108(2), the Committee commenced its study of the process by which judges are appointed to the Supreme Court of Canada.

At 11:12 a.m., the sitting was suspended.

At 11:16 a.m., the sitting resumed.

The witnesses made statements and answered questions.

At 1:10 p.m., Paddy Torsney took the Chair.

At 1:16 p.m., Derek Lee took the Chair.

At 1:35 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2004/03/25 3:37 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE AND HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 5

Wednesday, March 24, 2004

IN CAMERA

MINUTES OF PROCEEDINGS

Meeting No. 5

Wednesday, March 24, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 3:42 p.m. on this day, in Room 112-N Centre Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Chuck Cadman, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Stéphane Dion, Robert Lanctôt, Derek Lee, Hon. Lawrence MacAulay, John Maloney, Richard Marceau and Paddy O'Sheehy.

Attendance: Library of Parliament: Philip Rosen, Principal Analyst.

Witnesses: Department of Justice: Judith Bellis, General Counsel; Marc Giroux, Judicial Affairs Advisor.

The Committee proceeded to the consideration of matters related to its business.

It was agreed, — That the following motion be tabled with the Committee:

That, in the opinion of this Committee, Canada's law must recognize suicide bombings as Crimes against Humanity and therefore, the Government of Canada should launch an international campaign so that international law be modified accordingly".

At 3:56 p.m., the sitting was suspended.

At 3:58 p.m., the sitting resumed.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The witnesses made statements and answered questions.

At 4:45 p.m., the sitting was suspended.

At 4:46 p.m., the sitting resumed.

At 5:34 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2004/03/25 3:31 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE AND HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 6

Thursday, March 25, 2004

ORDER OF THE DAY:

Study of the process by which judges are appointed to the Supreme Court of Canada.

WITNESSES:

Barreau du Québec:

Carole Brosseau, Lawyer, Research and Legislation Service;

Canadian Bar Association:

Denis Jacques, Lawyer;

William Johnson, President;

Tamra Thomson, Director, Legislation and Law Reform.

Law Society of Upper Canada:

James Caskey, Co-Chair, Standing Committee on Government Relations and Public Affairs;

Julian Porter, Co-Chair, Standing Committee on Government Relations and Public Affairs.



MINUTES OF PROCEEDINGS

Meeting No. 6

Thursday, March 25, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:09 a.m. this day, in Room 705 La Promenade Building, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Garry Breitreuz, Marlene Catterall, Hon. Paul DeVillers, Hon. Stéphane Dion, Derek Lee, Hon. Lawrence MacAulay, John Maloney, Richard Marceau, Hon. Lorne Nystrom, Kevin Orenson and Paddy Torsney.

attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: Canadian Bar Association: William F. Johnson, President; Tamra L. Thomson, Director, Legislation and Law Reform. *Barreau du Québec:* Denis Jacques, Lawyer; Carole Brosseau, Lawyer, Research and Legislation Service. *Law Society of Upper Canada:* James R. Caskey, Co-Chair, Standing Committee on Government Relations and Public Affairs; Julian H. Porter, Co-Chair, Standing Committee on Government Relations and Public Affairs.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The witnesses made statements and answered questions.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2004/03/25 3:33 p.m.

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 7

Tuesday, March 30, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada

The Committee proceeded to the consideration of matters related to Committee business

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Sue Barnes
Garry Breitkreuz
Chuck Cadman
Marlene Catterall
Hon. Yvon Charbonneau
Hon. Paul DeVillers
Hon. Stéphane Dion
Robert Lanctôt
Derek Lee
Hon. Lawrence MacAulay
John Maloney
Richard Marceau,
Vic Toews
Paddy Torsney

ACTING MEMBERS PRESENT:

Joe Comartin for Hon. Lorne Nystrom

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal Analyst;
Robin MacKay, Analyst.

APPEARING:

Hon. Irwin Cotler, Minister of Justice

WITNESSES:

Department of Justice:

Judith Bellis, General Counsel, Judicial Affairs, Courts and
Tribunal Policy;

Marc Giroux, Judicial Affairs Advisor.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 7

Tuesday, March 30, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:04 a.m. this day, in Room 701 La Promenade Building, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Garry Breitkreuz, Chuck Cadman, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Hon. Stéphane Dion, Robert Lanctôt, Derek Lee, Hon. Lawrence MacAulay, John Maloney, Richard Marceau, Vic Toews and Paddy Torsney.

Acting Members present: Joe Comartin for Lorne Nystrom.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Appearing: Hon. Irwin Cotler, Minister of Justice.

Witnesses: Department of Justice: Judith Bellis, General Counsel; Marc Giroux, Judicial Affairs Advisor.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The Minister made a statement and, with the witnesses, answered questions.

At 12:21 p.m., the sitting was suspended.

At 12:25 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the First Report from the Subcommittee on Agenda and Procedure which read as follows:

1. That the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness modify the schedule of its meetings in order that the meetings planned for the Thursday afternoon be moved to the Thursday morning at 11:00 a.m.

2. That pursuant to Standing Order 108(1)(a) and (b) a Subcommittee on National Security, composed of 11 members, (6 members from the Liberal Party, 3 members from the Conservative Party of Canada; 1 member from the Bloc Québécois and 1 member from the New Democratic Party) be established with all the powers of the Committee except the power to report directly to the House; and pursuant to Standing Order 108(2) the mandate of the said Subcommittee shall include review and consideration of the budgets and the propriety and efficacy of the functions performed and the powers exercised by the Canadian Security Intelligence Service (CSIS), the RCMP National Security Investigations Section, the Office of Critical Infrastructure Protection and Emergency Preparedness, the Canadian Border Services Agency, and their relationships with all departments and agencies carrying out directly or indirectly security and intelligence functions with which they have a memorandum of understanding or other working arrangements, the Annual Report to Parliament of the Security Intelligence Review Committee, all Special Reports made by SIRC under section 54 of the CSIS Act, the operations of the SIRC on behalf of Parliament, the Annual Statement on National Security made by Minister of Public Safety and Emergency Preparedness, the Annual Public Report made by the Director of CSIS and the review of the annual report of the Commissioner of the Communications Security Establishment; and, that the Sub-Committee be asked to study Section 4 of the Security of Information Act.

3. That the Minister of Public Safety and Emergency Preparedness and the Minister of Justice be invited to appear, if possible, before the Committee, on the week of March 8th, 2004, concerning the Supplementary Estimates and the Main Estimates.

4. That pursuant to Standing Order 108(1)(a), the evidence taken by the Standing Committee on Justice and Human Rights in relation to its study on Conditional Sentencing during the second session of the present Parliament, be deemed adduced by the Committee in the current session; and, that a summary of the work done on this issue in the previous session be distributed to the Members of the Committee.

5. That background documentation prepared by the Library of Parliament concerning the process by which judges are appointed to courts of appeal and to the Supreme Court of Canada be distributed to Members of the Committee; and that, pursuant to Standing Order 108(1)(a), the evidence taken by the Standing Committee on Justice and Human Rights in relation to this study during the second session of the present Parliament, be deemed adduced by the Committee in the current session.

6. That the Committee undertake a study of the process by which judges are appointed to the Supreme Court of Canada and that judicial, academic and practitioner/law society/bar association panels be organized to take place in the two last weeks of March 2004.

7. That priority also be given to Bill C-19, Bill C-231 and Bill C-338.

8. That the present members of the Justice Committee, who were also Members of the Sub-Committee on Solicitation Laws in the second session of the present Parliament, could in this session, propose the creation of the Sub-Committee on Solicitation Laws without the 48 hours' notice.

9. That some operating budgets be prepared and submitted to the Main Committee.

It was agreed, — That the Frist Report of the Sub-Committee on Agenda and Procedure be concurred in.

At 1:15 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2004/03/31 10:29 a.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee.

Meeting No. 8

Tuesday, March 30, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Sue Barnes,
Chuck Cadman,
Hon. Yvon Charbonneau,
Hon. Paul DeVillers,
Hon. Stéphane Dion,
Robert Lanctôt,
Derek Lee,
John Maloney,
Richard Marceau
and Paddy Torsney.

ACTING MEMBERS PRESENT:

Joe Comartin for Lorne Nystrom.

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal Analyst;
Robin MacKay, Analyst.

WITNESSES:

As an Individual:

Claire L'Heureux-Dubé, Judge of the Supreme Court of Canada
(retired).

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 8

Tuesday, March 30, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:37 p.m. this day, in Room 308 West Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Chuck Cadman, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Hon. Stéphane Dion, Robert Lanctôt, Derek Lee, John Maloney, Richard Marceau and Paddy Torsney.

Acting Members present: Joe Comartin for Lorne Nystrom.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: As an Individual: Claire L'Heureux-Dubé, Judge of the Supreme Court of Canada (retired).

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The witness made a statement and answered questions.

At 5:40 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2004/03/31 10:30 a.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 9

Thursday, April 1st, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Sue Barnes
Chuck Cadman
Marlene Catterall
Hon. Paul DeVillers
Hon. Stéphane Dion
Robert Lanctôt
Derek Lee
Hon. Lawrence MacAulay
John Maloney
Richard Marceau
Hon. Lorne Nystrom
Kevin Sorenson
Paddy Torsney

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal Analyst;
Robin MacKay, Analyst.

WITNESSES:

As Individuals:
F.L. (Ted) Morton, Professor, Department of Political Science,
University of Calgary;
Peter McCormick, Professor and Chair, Department of Political
Science, University of Lethbridge;

Allan C. Hutchinson, Professor, Osgoode Hall Law School, York University.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 9

Thursday, April 1, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 11:05 a.m. this day, in Room 705 La Promenade Building, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Chuck Cadman, Marlene Catterall, Hon. Paul DeVillers, Hon. Stéphane Dion, Robert Lanctôt, Derek Lee, Hon. Lawrence MacAulay, John Maloney, Richard Marceau, Hon. Lorne Nystrom, Kevin Sorenson and Paddy Torsney.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: As Individuals: F.L. (Ted) Morton, Professor, Department of Political Science, University of Calgary; Peter McCormick, Professor and Chair, Department of Political Science, University of Lethbridge; Allan C. Hutchinson, Professor, Osgoode Hall Law School, York University.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The witnesses made statements and answered questions.

At 12:50, Chuck Cadman took the Chair.

At 12:54, Derek Lee took the Chair.

At 1:17 p.m., the Committee adjourned to the call of the Chair.

Jean-Philippe Brochu, Diane Diotte
Clerks of the Committee

2004/04/01 3:53 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 10

Tuesday, April 20, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Sue Barnes,
Garry Breitkreuz,
Chuck Cadman,
Marlene Catterall,
Hon. Yvon Charbonneau,
Hon. Paul DeVillers,
Hon. Stéphane Dion,
Derek Lee,
Hon. Lawrence MacAulay,
John Maloney,
Richard Marceau
and Kevin Sorenson.

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal Analyst;
Robin MacKay, Analyst.

WITNESSES:

As Individuals:

Kate Malleson, Senior Lecturer in Law, London School of
Economics;

Judith Resnik, Arthur Liman Professor of Law, Yale University.

Canadian Council of Criminal Defence Lawyers:

William M. Trudell, Chair.

Diane Diotte
Clerk of the Committee



Français

MINUTES OF PROCEEDINGS

Meeting No. 10

Tuesday, April 20, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:46 p.m. this day, in Room 308 West Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Garry Breitkreuz, Chuck Cadman, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Hon. Stéphane Dion, Derek Lee, Hon. Lawrence MacAulay, John Maloney, Richard Marceau and Kevin Sorenson.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: As Individuals: Kate Malleson, Senior Lecturer in Law, London School of Economics; Judith Resnik, Arthur Liman Professor of Law, Yale University. *Canadian Council of Criminal Defence Lawyers:* William M. Trudell, Chair.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The witnesses made statements and answered questions.

At 5:51 p.m., Chuck Cadman took the Chair.

At 6:35 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/04/21 2:51 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE, HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 11

Wednesday, April 21, 2004

IN CAMERA

MINUTES OF PROCEEDINGS

ing No. 11

nesday, April 21, 2004

Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 3:37 this day, in Room 705 La Promenade Building, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Chuck Cadman, Hon. Stéphane Dion, Derek Lee, Hon. Lawrence Aulay, John Maloney, Richard Marceau and Hon. Lorne Nystrom.

Guest Members present: Paul Harold Macklin for Robert Lanctôt.

Attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Committee proceeded to the consideration of matters related to Committee business.

01 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

/04/22 10:09 a.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee.

Meeting No. 12

Tuesday, April 27, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Sue Barnes,
Chuck Cadman,
Marlene Catterall,
Hon. Yvon Charbonneau,
Hon. Paul DeVillers,
Hon. Stéphane Dion,
Derek Lee,
John Maloney,
Richard Marceau,
Hon. Lorne Nystrom,
Kevin Sorenson,
Vic Toews
and Paddy Torsney.

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal Analyst;
Robin MacKay, Analyst.

WITNESSE(S):

As an Individual:

Patrick Monahan, Dean, Osgoode Hall Law School, York
University.

Diane Diotte
Clerk of the Committee



MINUTES OF PROCEEDINGS

Meeting No. 12

Tuesday, April 27, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:33 p.m. this day, in Room 308 West Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Chuck Cadman, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Hon. Stéphane Dion, Derek Lee, John Maloney, Richard Marceau, Hon. Lorne Nystrom, Kevin Orenson, Vic Toews and Paddy Torsney.

Attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: As an Individual: Patrick Monahan, Dean, Osgoode Hall Law School, York University.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The witness made a statement and answered questions.

On motion of Paddy Torsney, it was agreed, — That, pursuant to Standing Order 108, there be established a Subcommittee on Solicitation laws, as defined in the Criminal Code, composed of five (5) members, including a Chair to be named by the Committee and one member from each of the recognized parties in the House; that the Subcommittee have all of the powers of the Committee under Standing Order 108(1)(a), except the power to report directly to the House.

At 5:16 p.m., the sitting was suspended.

At 5:17 p.m., the sitting resumed *in camera* to consider matters related to Committee business.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/04/29 3:49 p.m.

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 13

Wednesday, April 28, 2004

ORDER OF THE DAY:

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Sue Barnes
Marlene Catterall
Hon. Yvon Charbonneau
Hon. Paul DeVillers
Hon. Stéphane Dion
Derek Lee
John Maloney
Richard Marceau
Kevin Sorenson
Paddy Torsney

ACTING MEMBER PRESENT:

Richard Harris for Garry Breitkreuz

IN ATTENDANCE:

Library of Parliament:
Philip Rosen, Principal Analyst;
Robin MacKay, Analyst.

WITNESSES:

Office of the Commissioner for Federal Judicial Affairs:
David Gourdeau, Commissioner for Federal Judicial Affairs;
Margaret-Rose Jamieson, Judicial Appointments Secretary.

Diane Diotte
Clerk of the Committee



Français

MINUTES OF PROCEEDINGS

Meeting No. 13

Wednesday, April 28, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 3:34 p.m. this day, in Room 705 La Promenade Building, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Hon. Stéphane Dion, Derek Lee, John Maloney, Richard Marceau, Kevin Sorenson and Paddy Torsney.

Acting Members present: Richard Harris for Garry Breitkreuz.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Witnesses: Office of the Commissioner for Federal Judicial Affairs: David Gourdeau, Commissioner for Federal Judicial Affairs; Margaret-Rose Jamieson, Judicial Appointments Secretary.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

David Gourdeau made a statement and, with the other witness, answered questions.

At 4:43 p.m., the sitting was suspended.

At 4:46 p.m., the sitting resumed *in camera*.

The Committee discussed options in preparation for a draft report.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/04/29 3:50 p.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE, HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 14

Thursday, April 29, 2004

IN CAMERA

MINUTES OF PROCEEDINGS

Meeting No. 14

Thursday, April 29, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 11:14 a.m. this day, in Room 705 La Promenade Building, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Garry Breitkreuz, Marlene Catterall, Yvon Charbonneau, Paul Villiers, Stéphane Dion, Derek Lee, John Maloney, Richard Marceau, Vic Toews and Paddy Torsney.

Attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Pursuant to Standing Order 36(8)(b), the Committee commenced consideration of the failure of the Ministry to respond to Motion No. 373-0501 concerning abortion, referred to the Committee on April 26, 2004.

It was agreed, — That, in view of the fact that the Government response is to be tabled shortly, no further action by the Committee is required at this moment but that the Committee may reconsider the matter at the end of next week.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The Committee discussed proposed options for a report.

At 12:56 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

04/04/30 9:49 a.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE, HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 15

Monday, May 3, 2004

IN CAMERA

MINUTES OF PROCEEDINGS

Meeting No. 15

Monday, May 3, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 3:50 p.m. on this day, in Room 371 West Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Hon. Stéphane Dion, Derek Lee, Hon. Lawrence MacAulay, John Maloney, Richard Marceau, Kevin Sorenson and Andy Torsney.

Attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

The Committee commenced consideration of a draft report.

At 5:43 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

04/05/04 9:28 a.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

**JUSTICE, HUMAN RIGHTS, PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Chair: Derek Lee, Lib.

Meeting No. 16

Tuesday, May 4, 2004

IN CAMERA

MINUTES OF PROCEEDINGS

Meeting No. 16

Monday, May 4, 2004

Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met *in camera* at 3:58 p.m. on this day, in Room 308 West Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Hon. Stéphane Lévesque, Hon. Derek Lee, Hon. Lawrence MacAulay, John Maloney, Richard Marceau, Hon. Lorne Nystrom and Paddy Torsney.

Attendance: Library of Parliament: Philip Rosen, Principal Analyst; Robin MacKay, Analyst.

Pursuant to Standing Order 108(2), the Committee resumed its study of the process by which judges are appointed to the Supreme Court of Canada.

It was agreed, — That the Committee authorize the printing of dissenting and/or supplementary opinions as appendices to the report, provided that they are not more than seven (7) pages in length and received by the Clerk by electronic mail, in both official languages, no later than 6:00 p.m. on Wednesday, May 5, 2004.

It was agreed, — That the draft report, as amended, be adopted.

It was agreed, — That the report be entitled: Improving the Supreme Court of Canada Appointments Process.

It was agreed, — That the Chair, Clerk and Analysts be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That the Committee print 550 copies of the Report in a bilingual format.

It was agreed, — That the Chair or a designate present the First Report to the House.

It was agreed, — That the Committee commence consideration of Bill C-19 next week.

At 5:19 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/05/05 10:34 a.m.

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 3rd SESSION

MINUTES OF PROCEEDINGS

**STANDING COMMITTEE ON JUSTICE, HUMAN RIGHTS,
PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Le president: Derek Lee, Lib.

Meeting No. 17

Tuesday, May 11, 2004

ORDER OF THE DAY:

Pursuant to the Order of Reference of Monday, February 23, 2004, the Committee commenced consideration of Bill C-19, An Act to amend the Corrections and Conditional Release Act and the Criminal Code.

MEMBERS OF THE COMMITTEE PRESENT:

Hon. Sue Barnes,
Garry Breitkreuz,
Marlene Catterall,
Hon. Yvon Charbonneau,
Hon. Paul DeVillers,
Robert Lanctôt,
Derek Lee,
Hon. Lawrence MacAulay,
John Maloney,
Kevin Sorenson
and Paddy Torsney.

ACTING MEMBER PRESENT:

Yves Rocheleau for Richard Marceau.

IN ATTENDANCE:

Library of Parliament:

Philip Rosen, Principal Analyst.

WITNESSES:

Department of Public Safety and Emergency Preparedness:

Mary E. Campbell, Acting Director General, Corrections and Criminal Justice Directorate, Community Safety and Partnerships;
Normand Payette, Acting Director, Corrections Policy Division, Corrections and Criminal Justice Directorate, Community Safety and Partnerships;

Michel Laprade, Senior Counsel, Legal Services, Correctional Service Canada.

Diane Diotte
Clerk of the Committee



Français

MINUTES OF PROCEEDINGS

Meeting No. 17

Tuesday, May 11, 2004

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 3:34 p.m. this day, in Room 308 West Block, the Chair, Derek Lee, presiding.

Members of the Committee present: Hon. Sue Barnes, Garry Breitkreuz, Marlene Catterall, Hon. Yvon Charbonneau, Hon. Paul DeVillers, Robert Lanctôt, Derek Lee, Hon. Lawrence MacAulay, John Maloney, Kevin Sorenson and Paddy Torsney.

Acting Members present: Yves Rocheleau for Richard Marceau.

In attendance: Library of Parliament: Philip Rosen, Principal Analyst.

Witnesses: Department of Public Safety and Emergency Preparedness: Mary E. Campbell, Acting Director General, Corrections and Criminal Justice Directorate, Community Safety and Partnerships; Normand Payette, Acting Director, Corrections Policy Division, Corrections and Criminal Justice Directorate, Community Safety and Partnerships; Michel Laprade, Senior Counsel, Legal Services, Correctional Service Canada.

Pursuant to the Order of Reference of Monday, February 23, 2004, the Committee commenced consideration of Bill C-19, An Act to amend the Corrections and Conditional Release Act and the Criminal Code.

The witnesses made statements and answered questions.

At 5:05 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte
Clerk of the Committee

2004/05/26 2:10 p.m.

